

(B) foreign language proficiency;

(2) foster future international scientific collaboration;

(3) provide for professional development opportunities for elementary school and secondary school teachers of critical foreign languages to increase the number of highly qualified teachers in critical foreign languages; and

(4) increase the number of United States students who achieve the highest level of proficiency in foreign languages critical to the security and competitiveness of the Nation.

(b) Development

The Secretary shall develop a program for the awarding of grants to institutions of higher education that develop innovative programs for the teaching of foreign languages, which may include the preparation of teachers to teach foreign languages.

(c) Regulations and requirements

The Secretary shall promulgate regulations for the awarding of grants under subsection (b). Such regulations may require institutions of higher education to use grant funds for, among other things—

(1) the development of an on-campus cultural awareness program by which students attend classes taught in a foreign language and study the science and technology developments and practices in a non-English speaking country;

(2) immersion programs where students take science or technology related course work in a non-English speaking country;

(3) other programs, such as summer workshops, that emphasize the intense study of a foreign language and science technology;

(4) if applicable, recruiting highly qualified teachers in critical foreign languages, and providing professional development activities for such teachers at the elementary school and secondary school levels; and

(5) providing innovative opportunities for students that will allow for critical language learning, such as immersion environments, intensive study opportunities, internships, and distance learning.

(d) Grant distribution

In distributing grants to institutions of higher education under this section, the Secretary shall give priority to—

(1) institutions that have programs focusing on curricula that combine the study of foreign languages and the study of science and technology and produce graduates who have both skills; and

(2) institutions teaching critical foreign languages.

(e) Report on best practices

Not later than one year after August 14, 2008, the Secretary shall—

(1) conduct a study to identify the best practices to strengthen the role of institutions of higher education that receive funding under subchapter III or subchapter V in increasing the critical foreign language education efforts in the United States; and

(2) submit a report on the results of such study to the authorizing committees.

(f) Appropriations authorized

There are authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 2009 and for each subsequent fiscal year.

(Pub. L. 89-329, title VI, §637, as added Pub. L. 110-315, title VI, §622, Aug. 14, 2008, 122 Stat. 3343.)

§ 1132-7. Reporting by institutions

(a) Applicability

The data requirement in subsection (b) shall apply to an institution of higher education that receives funds for a center or program under this subchapter if—

(1) the amount of the contribution (including cash and the fair market value of any property) received from any foreign government or from a foreign private sector corporation or foundation during any fiscal year exceeds \$250,000 in the aggregate; and

(2) the aggregate contribution, or a significant part of the aggregate contribution, is to be used by a center or program receiving funds under this subchapter.

(b) Data required

The Secretary shall require an institution of higher education referred to in subsection (a) to report information listed in subsection (a) to the Secretary consistent with the requirements of section 1011f of this title.

(Pub. L. 89-329, title VI, §638, as added Pub. L. 110-315, title VI, §622, Aug. 14, 2008, 122 Stat. 3345.)

SUBCHAPTER VII—GRADUATE AND POST-SECONDARY IMPROVEMENT PROGRAMS

CODIFICATION

Title VII of the Higher Education Act of 1965, comprising this subchapter, was originally enacted by Pub. L. 89-329, title VII, Nov. 8, 1965, 79 Stat. 1266; amended Pub. L. 92-318, June 23, 1972, 86 Stat. 235; Pub. L. 94-482, Oct. 12, 1976, 90 Stat. 2081; Pub. L. 95-43, June 15, 1977, 91 Stat. 213; Pub. L. 96-49, Aug. 13, 1979, 93 Stat. 351; Pub. L. 96-374, Oct. 3, 1980, 94 Stat. 1367; Pub. L. 99-498, Oct. 17, 1986, 100 Stat. 1268; Pub. L. 100-50, June 3, 1987, 101 Stat. 335; Pub. L. 100-203, Dec. 22, 1987, 101 Stat. 1330; Pub. L. 100-369, July 18, 1988, 102 Stat. 835; Pub. L. 102-325, July 23, 1992, 106 Stat. 448; Pub. L. 103-208, Dec. 20, 1993, 107 Stat. 2457; Pub. L. 103-382, Oct. 20, 1994, 108 Stat. 3518; Pub. L. 104-208, Sept. 30, 1996, 110 Stat. 3009. Title VII is shown herein, however, as having been added by Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1786, without reference to those intervening amendments because of the extensive revision of title VII by Pub. L. 105-244.

PRIOR PROVISIONS

A prior section 1132a, Pub. L. 89-329, title VII, §701, as added Pub. L. 99-498, title VII, §701, Oct. 17, 1986, 100 Stat. 1520; amended Pub. L. 100-50, §19(1), June 3, 1987, 101 Stat. 360; Pub. L. 102-325, title VII, §701, July 23, 1992, 106 Stat. 737, authorized programs of assistance for construction, reconstruction, and renovation of academic facilities, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1132a, Pub. L. 89-329, title VII, §701, as added Pub. L. 96-374, title VII, §701, Oct. 3, 1980, 94 Stat. 1472, related to purpose of programs of financial assistance to institutions of higher education and to higher education building agencies, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 1132a, Pub. L. 89-329, title VII, § 701, as added Pub. L. 92-318, title I, § 161(a), June 23, 1972, 86 Stat. 288; amended Pub. L. 94-482, title I, §§ 161(a), 162(a)(3), (b), Oct. 12, 1976, 90 Stat. 2156, 2157; Pub. L. 96-49, § 8(a), Aug. 13, 1979, 93 Stat. 353, authorized appropriations for a program of grants for the construction, reconstruction, and renovation of undergraduate facilities, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1132a-1, Pub. L. 89-329, title VII, § 702, as added Pub. L. 99-498, title VII, § 701, Oct. 17, 1986, 100 Stat. 1521; amended Pub. L. 100-50, § 19(2), June 3, 1987, 101 Stat. 360; Pub. L. 102-325, title VII, § 702, July 23, 1992, 106 Stat. 738, related to prior rights and obligations prior to the general amendment of this subchapter by Pub. L. 105-244. For similar provisions, see section 1011j of this title.

Another prior section 1132a-1, Pub. L. 89-329, title VII, § 702, as added Pub. L. 96-374, title VII, § 701, Oct. 3, 1980, 94 Stat. 1472, authorized appropriations for fiscal years 1981 to 1985 to carry out programs for construction, reconstruction, and renovation of academic facilities, prior to the general amendment of this subchapter by Pub. L. 99-498.

Prior sections 1132a-1 to 1132a-7 were omitted in the general amendment of this subchapter by Pub. L. 96-374.

Section 1132a-1, Pub. L. 89-329, title VII, § 702, as added Pub. L. 92-318, title I, § 161(a), June 23, 1972, 86 Stat. 288; amended Pub. L. 94-482, title I, § 162(a)(3), Oct. 12, 1976, 90 Stat. 2156, provided for allotments of funds to public community colleges and technical institutes.

Section 1132a-2, Pub. L. 89-329, title VII, § 703, as added Pub. L. 92-318, title I, § 161(a), June 23, 1972, 86 Stat. 290; amended Pub. L. 94-482, title I, § 162(a)(3), Oct. 12, 1976, 90 Stat. 2156, related to allotments to institutions of higher education other than public community colleges and public technical institutes.

Section 1132a-3, Pub. L. 89-329, title VII, § 704, as added Pub. L. 92-318, title I, § 161(a), June 23, 1972, 86 Stat. 290; amended Pub. L. 94-482, title I, § 162(a)(3), (c), Oct. 12, 1976, 90 Stat. 2156, 2157, set out the requirements of State plans.

Section 1132a-4, Pub. L. 89-329, title VII, § 705, as added Pub. L. 92-318, title I, § 161(a), June 23, 1972, 86 Stat. 291; amended Pub. L. 94-482, title I, § 162(a)(3), (d), (e), Oct. 12, 1976, 90 Stat. 2156, 2157, related to the eligibility of institutions for grants.

Section 1132a-5, Pub. L. 89-329, title VII, § 706, as added Pub. L. 92-318, title I, § 161(a), June 23, 1972, 86 Stat. 292; amended Pub. L. 94-482, title I, § 162(a)(3), Oct. 12, 1976, 90 Stat. 2156, related to the basic criteria to be applied to State plans.

Section 1132a-6, Pub. L. 89-329, title VII, § 707, as added Pub. L. 92-318, title I, § 161(a), June 23, 1972, 86 Stat. 292; amended Pub. L. 94-482, title I, § 162(a)(3), (5), Oct. 12, 1976, 90 Stat. 2156, 2157, related to applications for grants for construction, renovation, and reconstruction of undergraduate facilities.

Section 1132a-7, Pub. L. 89-329, title VII, § 708, as added Pub. L. 92-318, title I, § 161(a), June 23, 1972, 86 Stat. 293, related to the disapproval of State plans and to judicial review.

A prior section 1132b, Pub. L. 89-329, title VII, § 711, as added Pub. L. 102-325, title VII, § 703, July 23, 1992, 106 Stat. 738, provided that former part A of this subchapter could be cited as the “Higher Education Facilities Act of 1992”, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1132b, Pub. L. 89-329, title VII, § 711, as added Pub. L. 99-498, title VII, § 701, Oct. 17, 1986, 100 Stat. 1522, related to State plans for construction, reconstruction, and renovation of undergraduate academic facilities, prior to the general amendment of part A of this subchapter by Pub. L. 102-325.

Another prior section 1132b, Pub. L. 89-329, title VII, § 711, as added Pub. L. 96-374, title VII, § 701, Oct. 3, 1980, 94 Stat. 1473, required submission of State plans, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 1132b, Pub. L. 89-329, title VII, § 721, as added Pub. L. 92-318, title I, § 161(a), June 23, 1972, 86 Stat. 294; amended Pub. L. 94-482, title I, §§ 161(b), 162(e), Oct. 12, 1976, 90 Stat. 2156, 2157; Pub. L. 96-49, § 8(b), Aug. 13, 1979, 93 Stat. 353, set out Congressional declaration of purpose, grant of authority, and authorization of appropriations for the program of grants for construction, reconstruction, and renovation of graduate academic facilities, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1132b-1, Pub. L. 89-329, title VII, § 712, as added Pub. L. 102-325, title VII, § 703, July 23, 1992, 106 Stat. 738, stated findings of Congress, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1132b-1, Pub. L. 89-329, title VII, § 712, as added Pub. L. 99-498, title VII, § 701, Oct. 17, 1986, 100 Stat. 1522, related to basic criteria for consideration of State plans, prior to the general amendment of part A of this subchapter by Pub. L. 102-325.

Another prior section 1132b-1, Pub. L. 89-329, title VII, § 712, as added Pub. L. 96-374, title VII, § 701, Oct. 3, 1980, 94 Stat. 1473, related to basic criteria for consideration of State plans, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 1132b-1, Pub. L. 89-329, title VII, § 722, as added Pub. L. 92-318, title I, § 161(a), June 23, 1972, 86 Stat. 294, related to authority to make grants to eligible institutions, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1132b-2, Pub. L. 89-329, title VII, § 713, as added Pub. L. 102-325, title VII, § 703, July 23, 1992, 106 Stat. 738, related to distribution of assistance, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1132b-2, Pub. L. 89-329, title VII, § 713, as added Pub. L. 99-498, title VII, § 701, Oct. 17, 1986, 100 Stat. 1522, related to allotment of funds, prior to the general amendment of part A of this subchapter by Pub. L. 102-325.

Another prior section 1132b-2, Pub. L. 89-329, title VII, § 713, as added Pub. L. 96-374, title VII, § 701, Oct. 3, 1980, 94 Stat. 1473, related to allotment of appropriations among States, prior to the general amendment of this subchapter by Pub. L. 99-498.

Prior sections 1132b-3 to 1132b-5 were omitted in the general amendment of this subchapter by Pub. L. 105-244.

Section 1132b-3, Pub. L. 89-329, title VII, § 714, as added Pub. L. 102-325, title VII, § 703, July 23, 1992, 106 Stat. 740; amended Pub. L. 103-208, § 2(j)(14), Dec. 20, 1993, 107 Stat. 2481, related to use of funds.

Section 1132b-4, Pub. L. 89-329, title VII, § 715, as added Pub. L. 102-325, title VII, § 703, July 23, 1992, 106 Stat. 740; amended Pub. L. 103-208, § 2(j)(15), Dec. 20, 1993, 107 Stat. 2481, related to applications for allotments and grants.

Section 1132b-5, Pub. L. 89-329, title VII, § 716, as added Pub. L. 102-325, title VII, § 703, July 23, 1992, 106 Stat. 741, authorized appropriations for former part A of this subchapter.

A prior section 1132c, Pub. L. 89-329, title VII, § 721, as added Pub. L. 102-325, title VII, § 704, July 23, 1992, 106 Stat. 741, which stated findings of Congress, was renumbered section 341 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, § 301(a)(3), (4), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1066 of this title.

Another prior section 1132c, Pub. L. 89-329, title VII, § 721, as added Pub. L. 99-498, title VII, § 701, Oct. 17, 1986, 100 Stat. 1524, related to grants for construction, reconstruction, and renovation of graduate academic facilities, prior to the general amendment of part B of this subchapter by Pub. L. 102-325.

Another prior section 1132c, Pub. L. 89-329, title VII, § 721, as added Pub. L. 96-374, title VII, § 701, Oct. 3, 1980, 94 Stat. 1475, authorized grants to graduate institutions of higher education, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 1132c, Pub. L. 89-329, title VII, § 741, as added Pub. L. 92-318, title I, § 161(a), June 23, 1972, 86 Stat. 295; amended Pub. L. 94-482, title I,

§§161(c), 162(a)(3), Oct. 12, 1976, 90 Stat. 2156; Pub. L. 96-49, §8(c)(1), Aug. 13, 1979, 93 Stat. 353, set out grant of authority and authorization of appropriations for program of loans for construction, reconstruction, and renovation of academic facilities, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1132c-1, Pub. L. 89-329, title VII, §722, as added Pub. L. 102-325, title VII, §704, July 23, 1992, 106 Stat. 742, which defined terms, was renumbered section 342 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, §301(a)(3), (4), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1066a of this title.

Another prior section 1132c-1, Pub. L. 89-329, title VII, §742, as added Pub. L. 92-318, title I, §161(a), June 23, 1972, 86 Stat. 295; amended Pub. L. 94-482, title I, §162(a)(3), (6), Oct. 12, 1976, 90 Stat. 2156, 2157, related to eligibility, conditions, amounts, and terms of loans for construction, reconstruction, and renovation of academic facilities, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1132c-2, Pub. L. 89-329, title VII, §723, as added Pub. L. 102-325, title VII, §704, July 23, 1992, 106 Stat. 743, and amended, which related to Federal insurance for bonds, was renumbered section 343 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, §301(a)(3), (4), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1066b of this title.

Another prior section 1132c-2, Pub. L. 89-329, title VII, §743, as added Pub. L. 92-318, title I, §161(a), June 23, 1972, 86 Stat. 296; amended Pub. L. 94-482, title I, §162(f), Oct. 12, 1976, 90 Stat. 2157, contained general provisions covering programs of loans for construction, reconstruction, and renovation of academic facilities, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1132c-3, Pub. L. 89-329, title VII, §724, as added Pub. L. 102-325, title VII, §704, July 23, 1992, 106 Stat. 745, which related to limitations on Federal insurance for bonds issued by designated bonding authority, was renumbered section 344 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, §301(a)(3), (4), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1066c of this title.

Another prior section 1132c-3, Pub. L. 89-329, title VII, §744, as added Pub. L. 92-318, title I, §161(a), June 23, 1972, 86 Stat. 296, provided for creation of Revolving Loan Fund and Insurance Fund, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1132c-4, Pub. L. 89-329, title VII, §725, as added Pub. L. 102-325, title VII, §704, July 23, 1992, 106 Stat. 745, and amended, which related to authority of Secretary, was renumbered section 345 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, §301(a)(3), (4), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1066d of this title.

Another prior section 1132c-4, Pub. L. 89-329, title VII, §745, as added Pub. L. 92-318, title I, §161(a), June 23, 1972, 86 Stat. 297; amended Pub. L. 94-482, title I, §§161(d), 162(a)(3), (g), Oct. 12, 1976, 90 Stat. 2156, 2157; Pub. L. 95-43, §1(b)(6), June 15, 1977, 91 Stat. 218; Pub. L. 96-49, §8(c)(2), Aug. 13, 1979, 93 Stat. 353, related to annual interest grants, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1132c-5, Pub. L. 89-329, title VII, §726, as added Pub. L. 102-325, title VII, §704, July 23, 1992, 106 Stat. 746, and amended, which restricted receipt of grants under former part A of this subchapter, was renumbered section 346 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, §301(a)(3), (4), Oct. 7, 1998, 112 Stat. 1636, transferred to section 1066e of this title, and subsequently repealed.

Another prior section 1132c-5, Pub. L. 89-329, title VII, §746, as added Pub. L. 92-318, title I, §161(a), June 23, 1972, 86 Stat. 298; amended Pub. L. 94-482, title I, §162(a)(3), Oct. 12, 1976, 90 Stat. 2156, related to academic facilities loan insurance, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1132c-6, Pub. L. 89-329, title VII, §727, as added Pub. L. 102-325, title VII, §704, July 23, 1992, 106 Stat. 746, which related to HBCU Capital Financing Ad-

visory Board, was renumbered section 347 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, §301(a)(3), (4), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1066f of this title.

A prior section 1132c-7, Pub. L. 89-329, title VII, §728, as added Pub. L. 102-325, title VII, §704, July 23, 1992, 106 Stat. 747, which related to minority business enterprise utilization, was renumbered section 348 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, §301(a)(3), (4), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1066g of this title.

A prior section 1132d, Pub. L. 89-329, title VII, §731, as added Pub. L. 102-325, title VII, §705, July 23, 1992, 106 Stat. 747; amended Pub. L. 103-208, §2(j)(18), (19), Dec. 20, 1993, 107 Stat. 2481, related to Federal assistance in form of loans, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1132d, Pub. L. 89-329, title VII, §731, as added Pub. L. 99-498, title VII, §701, Oct. 17, 1986, 100 Stat. 1525; amended Pub. L. 100-50, §19(3), June 3, 1987, 101 Stat. 360, related to eligibility conditions, amounts, and terms of loans for construction, reconstruction, and renovation of academic facilities, prior to the general amendment of part C of this subchapter by Pub. L. 102-325.

Another prior section 1132d, Pub. L. 89-329, title VII, §731, as added Pub. L. 96-374, title VII, §701, Oct. 3, 1980, 94 Stat. 1475, related to eligibility conditions, amounts, and terms of loans for construction, reconstruction, and renovation of academic facilities, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 1132d, Pub. L. 89-329, title VII, §761, as added Pub. L. 92-318, title I, §161(a), June 23, 1972, 86 Stat. 299, authorized appropriations for the program of assistance to major disaster areas, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1132d-1, Pub. L. 89-329, title VII, §732, as added Pub. L. 102-325, title VII, §705, July 23, 1992, 106 Stat. 748, contained general provisions relating to functions, powers, and duties of the Secretary under former part C of this subchapter, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1132d-1, Pub. L. 89-329, title VII, §732, as added Pub. L. 99-498, title VII, §701, Oct. 17, 1986, 100 Stat. 1526; amended Pub. L. 100-369, §7(c), July 18, 1988, 102 Stat. 837, set out general provisions for loan program, prior to the general amendment of part C of this subchapter by Pub. L. 102-325.

Another prior section 1132d-1, Pub. L. 89-329, title VII, §732, as added Pub. L. 96-374, title VII, §701, Oct. 3, 1980, 94 Stat. 1475, set out general provisions for program of loans for construction, reconstruction, and renovation of academic facilities, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 1132d-1, Pub. L. 89-329, title VII, §762, as added Pub. L. 92-318, title I, §161(a), June 23, 1972, 86 Stat. 299; amended Pub. L. 94-482, title I, §§161(e), 162(h), Oct. 12, 1976, 90 Stat. 2156, 2157, provided for disaster assistance for replacement or restoration of academic facilities, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1132d-2, Pub. L. 89-329, title VII, §733, as added Pub. L. 102-325, title VII, §705, July 23, 1992, 106 Stat. 750, related to apportionment of funds, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1132d-2, Pub. L. 89-329, title VII, §733, as added Pub. L. 99-498, title VII, §701, Oct. 17, 1986, 100 Stat. 1527; amended Pub. L. 100-50, §19(4), June 3, 1987, 101 Stat. 360, related to revolving loan fund, prior to the general amendment of part C of this subchapter by Pub. L. 102-325.

Another prior section 1132d-2, Pub. L. 89-329, title VII, §733, as added Pub. L. 96-374, title VII, §701, Oct. 3, 1980, 94 Stat. 1476, related to revolving loan and insurance fund, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 1132d-2, Pub. L. 89-329, title VII, §763, as added Pub. L. 92-318, title I, §161(a), June

23, 1972, 86 Stat. 300, related to grants for the purchase of equipment and supplies, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1132d-3, Pub. L. 89-329, title VII, §734, as added Pub. L. 102-325, title VII, §705, July 23, 1992, 106 Stat. 751; amended Pub. L. 103-208, §2(j)(20), Dec. 20, 1993, 107 Stat. 2481, defined terms, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1132d-3, Pub. L. 89-329, title VII, §734, as added Pub. L. 96-374, title VII, §701, Oct. 3, 1980, 94 Stat. 1477, related to annual interest grants to assist institutions of higher education and higher education building agencies, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 1132d-3, Pub. L. 89-329, title VII, §764, as added Pub. L. 92-318, title I, §161(a), June 23, 1972, 86 Stat. 300, related to repayable assistance in lieu of a grant, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1132d-4, Pub. L. 89-329, title VII, §735, as added Pub. L. 102-325, title VII, §705, July 23, 1992, 106 Stat. 753, authorized appropriations for former part C of this subchapter, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 1132d-4, Pub. L. 89-329, title VII, §735, as added Pub. L. 96-374, title VII, §701, Oct. 3, 1980, 94 Stat. 1477, related to academic facilities loan insurance, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 1132d-4, Pub. L. 89-329, title VII, §765, as added Pub. L. 92-318, title I, §161(a), June 23, 1972, 86 Stat. 300, related to applications for assistance to institutions of higher education, prior to the general amendment of this subchapter by Pub. L. 96-374.

Prior sections 1132d-5 and 1132d-11 were omitted in the general amendment of this subchapter by Pub. L. 96-374.

Section 1132d-5, Pub. L. 89-329, title VII, §766, as added Pub. L. 92-318, title I, §161(a), June 23, 1972, 86 Stat. 300, defined “major disaster” and “public institution of higher education”.

Section 1132d-11, Pub. L. 89-329, title VII, §771, as added Pub. L. 94-482, title I, §162(i), Oct. 12, 1976, 90 Stat. 2157; amended Pub. L. 95-43, §1(a)(43), June 15, 1977, 91 Stat. 217, provided for a program of grants or loans for reconstruction or renovation of academic facilities.

A prior section 1132e, Pub. L. 89-329, title VII, §741, as added Pub. L. 99-498, title VII, §701, Oct. 17, 1986, 100 Stat. 1528, provided for annual interest grants to assist institutions of higher education in reducing the cost of borrowing money, prior to repeal by Pub. L. 102-325, §2, title VII, §706, July 23, 1992, 106 Stat. 458, 753, effective Oct. 1, 1992.

Another prior section 1132e, Pub. L. 89-329, title VII, §741, as added Pub. L. 96-374, title VII, §701, Oct. 3, 1980, 94 Stat. 1478, related to recovery of payments of grants and use of projects, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 1132e, Pub. L. 89-329, title VII, §781, as added Pub. L. 92-318, title I, §161(a), June 23, 1972, 86 Stat. 300; amended Pub. L. 94-482, title I, §162(a)(3), (4), Oct. 12, 1976, 90 Stat. 2156, 2157; Pub. L. 95-43, §1(a)(44), June 15, 1977, 91 Stat. 218, related to the recovery of payments, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1132e-1, Pub. L. 89-329, title VII, §742, as added Pub. L. 96-374, title VII, §701, Oct. 3, 1980, 94 Stat. 1479, defined terms used in this subchapter, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 1132e-1, Pub. L. 89-329, title VII, §782, as added Pub. L. 92-318, title I, §161(a), June 23, 1972, 86 Stat. 301; amended Pub. L. 94-482, title I, §162(a)(3), (4), (j), Oct. 12, 1976, 90 Stat. 2156-2158, defined terms used in this subchapter, prior to the general amendment of this subchapter by Pub. L. 96-374.

Prior sections 1132f to 1132f-9 were repealed by Pub. L. 104-208, div. A, title I, §101(e) [title VI, §603(d)], Sept. 30, 1996, 110 Stat. 3009-233, 3009-293.

Section 1132f, Pub. L. 89-329, title VII, §751, as added Pub. L. 99-498, title VII, §701, Oct. 17, 1986, 100 Stat. 1528, related to congressional declaration of purpose of this part to authorize participation of United States Government and Student Loan Marketing Association in private, for profit corporation known as College Construction Loan Insurance Association, and defined “education facilities purpose”.

Section 1132f-1, Pub. L. 89-329, title VII, §752, as added Pub. L. 99-498, title VII, §701, Oct. 17, 1986, 100 Stat. 1529; amended Pub. L. 102-325, title VII, §707(b), July 23, 1992, 106 Stat. 753, related to criteria used by Corporation for providing guarantees and insurance on obligations issued for education facilities purposes.

Section 1132f-2, Pub. L. 89-329, title VII, §753, as added Pub. L. 99-498, title VII, §701, Oct. 17, 1986, 100 Stat. 1530, related to process of organizing Corporation.

Section 1132f-3, Pub. L. 89-329, title VII, §754, as added Pub. L. 99-498, title VII, §701, Oct. 17, 1986, 100 Stat. 1531, related to operation and election of Corporation’s Board of Directors.

Section 1132f-4, Pub. L. 89-329, title VII, §755, as added Pub. L. 99-498, title VII, §701, Oct. 17, 1986, 100 Stat. 1531, related to initial capitalization of Corporation.

Section 1132f-5, Pub. L. 89-329, title VII, §756, as added Pub. L. 99-498, title VII, §701, Oct. 17, 1986, 100 Stat. 1532, related to issuance of nonvoting stock and debt to public.

Section 1132f-6, Pub. L. 89-329, title VII, §757, as added Pub. L. 99-498, title VII, §701, Oct. 17, 1986, 100 Stat. 1532, provided that no obligation which is insured, guaranteed, or otherwise backed by Corporation be deemed to be guaranteed by full faith and credit of United States or guaranteed by Student Loan Marketing Association, with provision that this section not affect determination of whether such obligation is guaranteed for purposes of Federal income taxes.

Section 1132f-7, Pub. L. 89-329, title VII, §758, as added Pub. L. 99-498, title VII, §701, Oct. 17, 1986, 100 Stat. 1532, related to authority of Secretary to sell common stock of Corporation and Student Loan Marketing Association’s right of first refusal.

Section 1132f-8, Pub. L. 89-329, title VII, §759, as added Pub. L. 99-498, title VII, §701, Oct. 17, 1986, 100 Stat. 1533, related to use of stock sale proceeds.

Section 1132f-9, Pub. L. 89-329, title VII, §760, as added Pub. L. 99-498, title VII, §701, Oct. 17, 1986, 100 Stat. 1533, provided for audits and reports to President and Congress.

A prior section 1132f-10, Pub. L. 104-208, div. A, title I, §101(e) [title VI, §603], Sept. 30, 1996, 110 Stat. 3009-233, 3009-290, which related to Connie Lee privatization, was transferred to section 1155 of this title.

Prior sections 1132g to 1132g-3 and 1132h to 1132h-6 were repealed by Pub. L. 102-325, §2, title VII, §706, July 23, 1992, 106 Stat. 458, 753, effective Oct. 1, 1992.

Section 1132g, Pub. L. 89-329, title VII, §761, as added Pub. L. 99-498, title VII, §701, Oct. 17, 1986, 100 Stat. 1533, related to Federal assistance to undergraduate postsecondary educational institutions in form of loans.

Section 1132g-1, Pub. L. 89-329, title VII, §762, as added Pub. L. 99-498, title VII, §701, Oct. 17, 1986, 100 Stat. 1535; amended Pub. L. 100-369, §7(c), July 18, 1988, 102 Stat. 837, set out general provisions applicable to loans, including budget and accounting, use of funds, legal powers of Secretary in loan program, and limitations.

Section 1132g-2, Pub. L. 89-329, title VII, §763, as added Pub. L. 99-498, title VII, §701, Oct. 17, 1986, 100 Stat. 1537, directed that not more than 12.5 percent of loan funds be made available in any one State and set priorities as to types of projects to be approved.

Section 1132g-3, Pub. L. 89-329, title VII, §764, as added Pub. L. 99-498, title VII, §701, Oct. 17, 1986, 100 Stat. 1537; amended Pub. L. 100-50, §19(5), June 3, 1987, 101 Stat. 360, defined terms used in sections 1132g to 1132g-3 of this title.

Section 1132h, Pub. L. 89-329, title VII, §771, as added Pub. L. 99-498, title VII, §701, Oct. 17, 1986, 100 Stat.

1539, provided for financial assistance to Eastern Michigan University in Ypsilanti, Michigan, for renovation and restoration of Welch Hall.

Section 1132h-1, Pub. L. 89-329, title VII, § 772, as added Pub. L. 99-498, title VII, § 701, Oct. 17, 1986, 100 Stat. 1539, provided for financial assistance to Rochester Institute of Technology in Rochester, New York, for Federal share of construction and related costs of Academic Health Education Center facility.

Section 1132h-2, Pub. L. 89-329, title VII, § 773, as added Pub. L. 99-498, title VII, § 701, Oct. 17, 1986, 100 Stat. 1540, provided financial assistance to Shaw University of Raleigh, North Carolina, for renovation and restoration of Estey Hall.

Section 1132h-3, Pub. L. 89-329, title VII, § 774, as added Pub. L. 99-498, title VII, § 701, Oct. 17, 1986, 100 Stat. 1540, provided for an electronic instructional network for gifted and talented students.

Section 1132h-4, Pub. L. 89-329, title VII, § 775, as added Pub. L. 99-498, title VII, § 701, Oct. 17, 1986, 100 Stat. 1541, provided for financial assistance to Bethune-Cookman College in Volusia County, Florida, for establishment of Mary McLeod Bethune Memorial Fine Arts Center.

Section 1132h-5, Pub. L. 89-329, title VII, § 776, as added Pub. L. 99-498, title VII, § 701, Oct. 17, 1986, 100 Stat. 1541, provided for financial assistance for University of Connecticut Behavioral Science Facility at Storrs, Connecticut.

Section 1132h-6, Pub. L. 89-329, title VII, § 777, as added Pub. L. 99-498, title VII, § 701, Oct. 17, 1986, 100 Stat. 1541, provided for financial assistance for the establishment of a business administration program at University of Rhode Island in Kingston, Rhode Island.

Prior sections 1132i to 1132l were omitted in the general amendment of this subchapter by Pub. L. 105-244.

Section 1132i, Pub. L. 89-329, title VII, § 781, as added Pub. L. 99-498, title VII, § 701, Oct. 17, 1986, 100 Stat. 1542; amended Pub. L. 102-325, title VII, § 708(b), July 23, 1992, 106 Stat. 754; Pub. L. 103-208, § 2(j)(21), Dec. 20, 1993, 107 Stat. 2481, related to recovery of payments upon cessation of public benefit. See section 1011k of this title.

Section 1132i-1, (Pub. L. 89-329, title VII, § 782, as added Pub. L. 99-498, title VII, § 701, Oct. 17, 1986, 100 Stat. 1542; amended Pub. L. 100-50, § 19(6), June 3, 1987, 101 Stat. 360; Pub. L. 102-325, title VII, § 708(c), July 23, 1992, 106 Stat. 754; Pub. L. 103-208, § 2(j)(22), Dec. 20, 1993, 107 Stat. 2481, defined terms used in this subchapter.

Section 1132i-2, Pub. L. 89-329, title VII, § 783, as added Pub. L. 99-498, title VII, § 701, Oct. 17, 1986, 100 Stat. 1545; amended Pub. L. 100-203, title III, § 3101, Dec. 22, 1987, 101 Stat. 1330-39; Pub. L. 102-325, title VII, § 708(d), July 23, 1992, 106 Stat. 754; Pub. L. 103-208, § 2(j)(23), Dec. 20, 1993, 107 Stat. 2481, related to forgiveness of certain loans.

A prior section 1132j, Pub. L. 89-329, title VII, § 795, as added Pub. L. 100-418, title VI, § 6211, Aug. 23, 1988, 102 Stat. 1517, provided for a program of agricultural, strategic metals, minerals, forestry, and oceans college and university research facilities and instrumentation modernization, prior to repeal by Pub. L. 102-325, § 2, title VII, § 706, July 23, 1992, 106 Stat. 458, 753, effective Oct. 1, 1992.

§ 1133. Purpose

It is the purpose of this subchapter—

(1) to authorize national graduate fellowship programs—

(A) in order to attract students of superior ability and achievement, exceptional promise, and demonstrated financial need, into high-quality graduate programs and provide the students with the financial support necessary to complete advanced degrees; and

(B) that are designed to—

(i) sustain and enhance the capacity for graduate education in areas of national

need, including those areas critical to United States national and homeland security needs, such as science, technology, engineering, and mathematics; and

(ii) encourage talented students to pursue scholarly careers in the humanities, social sciences, and the arts; and

(2) to promote postsecondary programs.

(Pub. L. 89-329, title VII, § 700, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1786; amended Pub. L. 110-315, title VII, § 701, Aug. 14, 2008, 122 Stat. 3345.)

PRIOR PROVISIONS

Prior sections 1133 to 1133c, which comprised a prior subchapter VIII of this chapter, were repealed by Pub. L. 105-244, § 3, title VII, § 702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Section 1133, Pub. L. 89-329, title VIII, § 801, as added Pub. L. 99-498, title VIII, § 801, Oct. 17, 1986, 100 Stat. 1546; amended Pub. L. 102-325, title VIII, § 801, July 23, 1992, 106 Stat. 755, stated purpose of former subchapter VIII of this chapter and defined “cooperative education”.

Another prior section 1133, Pub. L. 89-329, title VIII, § 801, as added Pub. L. 94-482, title I, § 129(b), Oct. 12, 1976, 90 Stat. 2144; amended Pub. L. 96-374, title VIII, § 801(a), (b), title XIII, § 1391(a)(1), Oct. 3, 1980, 94 Stat. 1481, 1482, 1503, authorized appropriations for fiscal years 1976 to 1985 for grants and contracts for cooperative education, prior to the general amendment of subchapter VIII of this chapter by Pub. L. 99-498.

Another prior section 1133, Pub. L. 89-329, title VIII, § 801, as added Pub. L. 90-575, title II, § 251, Oct. 16, 1968, 82 Stat. 1042; amended Pub. L. 92-318, title I, § 172(a), June 23, 1972, 86 Stat. 304, authorized projects and grants for sharing educational and related resources by institutions of higher education, prior to the general amendment of subchapter VIII of this chapter by Pub. L. 94-482.

Section 1133a, Pub. L. 89-329, title VIII, § 802, as added Pub. L. 99-498, title VIII, § 801, Oct. 17, 1986, 100 Stat. 1546; amended Pub. L. 102-325, title VIII, § 801, July 23, 1992, 106 Stat. 755; Pub. L. 103-208, § 2(j)(24), Dec. 20, 1993, 107 Stat. 2482, authorized appropriations for former subchapter VIII of this chapter.

Another prior section 1133a, Pub. L. 89-329, title VIII, § 802, as added Pub. L. 94-482, title I, § 129(b), Oct. 12, 1976, 90 Stat. 2145; amended Pub. L. 96-374, title VIII, § 801(c), (d), title XIII, § 1391(a)(1), Oct. 3, 1980, 94 Stat. 1482, 1503, authorized grants for programs of cooperative education, prior to the general amendment of subchapter VIII of this chapter by Pub. L. 99-498.

Another prior section 1133a, Pub. L. 89-329, title VIII, § 802, as added Pub. L. 90-575, title II, § 251, Oct. 16, 1968, 82 Stat. 1043; amended Pub. L. 92-318, title I, § 171, June 23, 1972, 86 Stat. 304, authorized appropriations for projects and grants for sharing educational and related resources, prior to the general amendment of subchapter VIII of this chapter by Pub. L. 94-482.

Section 1133b, Pub. L. 89-329, title VIII, § 803, as added Pub. L. 99-498, title VIII, § 801, Oct. 17, 1986, 100 Stat. 1548; amended Pub. L. 102-325, title VIII, § 801, July 23, 1992, 106 Stat. 756; Pub. L. 103-208, § 2(j)(25), (26), Dec. 20, 1993, 107 Stat. 2482, authorized grants for cooperative education.

Another prior section 1133b, Pub. L. 89-329, title VIII, § 803, as added Pub. L. 94-482, title I, § 129(b), Oct. 12, 1976, 90 Stat. 2146; amended Pub. L. 96-374, title XIII, § 1391(a)(1), Oct. 3, 1980, 94 Stat. 1503, authorized grants and contracts for training and research related to cooperative education, prior to the general amendment of subchapter VIII of this chapter by Pub. L. 99-498.

Another prior section 1133b, Pub. L. 89-329, title VIII, § 803, as added Pub. L. 90-575, title II, § 251, Oct. 16, 1968, 82 Stat. 1043, authorized free or reduced rates for sharing educational or related resources by institutions of

higher education, prior to the general amendment of subchapter VIII of this chapter by Pub. L. 94-482.

Section 1133c, Pub. L. 89-329, title VIII, §804, as added Pub. L. 102-325, title VIII, §801, July 23, 1992, 106 Stat. 759, authorized grants and contracts for demonstration and innovation projects, training and resource centers, and research.

AMENDMENTS

2008—Par. (1)(B)(i). Pub. L. 110-315 inserted “, including those areas critical to United States national and homeland security needs, such as science, technology, engineering, and mathematics” before semicolon.

CONTINUATION OF CHAPTER 21 PROGRAMS

Pub. L. 92-318, title I, §161(b)(1), June 23, 1972, 86 Stat. 303, provided that: “The programs authorized by title VII of the Higher Education Act of 1965 [this subchapter] shall be deemed to be a continuation of the comparable programs authorized by the Higher Education Facilities Act of 1963 [former section 701 et seq. of this title].”

PART A—GRADUATE EDUCATION PROGRAMS

SUBPART 1—JACOB K. JAVITS FELLOWSHIP PROGRAM

§ 1134. Award of Jacob K. Javits fellowships

(a) Authority and timing of awards

The Secretary is authorized to award fellowships in accordance with the provisions of this subpart for graduate study in the arts, humanities, and social sciences by students of superior ability selected on the basis of demonstrated achievement, financial need, and exceptional promise. The fellowships shall be awarded to students who are eligible to receive any grant, loan, or work assistance pursuant to section 1091 of this title and intend to pursue a doctoral degree, except that fellowships may be granted to students pursuing a master's degree in those fields in which the master's degree is the terminal highest degree awarded in the area of study. All funds appropriated in a fiscal year shall be obligated and expended to the students for fellowships for use in the academic year beginning after July 1 of the fiscal year following the fiscal year for which the funds were appropriated. The fellowships shall be awarded for only 1 academic year of study and shall be renewable for a period not to exceed 4 years of study.

(b) Designation of fellows

Students receiving awards under this subpart shall be known as “Jacob K. Javits Fellows”.

(c) Interruptions of study

The institution of higher education may allow a fellowship recipient to interrupt periods of study for a period not to exceed 12 months for the purpose of work, travel, or independent study away from the campus, if such independent study is supportive of the fellowship recipient's academic program and shall continue payments for those 12-month periods during which the student is pursuing travel or independent study supportive of the recipient's academic program. In the case of other exceptional circumstances, such as active duty military service or personal or family member illness, the institution of higher education may also permit the fellowship recipient to interrupt periods of

study for the duration of the tour of duty (in the case of military service) or for not more than 12 months (in any other case), but without payment of the stipend.

(d) Process and timing of competition

The Secretary shall make applications for fellowships under this part available not later than October 1 of the academic year preceding the academic year for which fellowships will be awarded, and shall announce the recipients of fellowships under this section not later than March 1 of the academic year preceding the academic year for which the fellowships are awarded.

(e) Authority to contract

The Secretary is authorized to enter into a contract with a nongovernmental agency to administer the program assisted under this part if the Secretary determines that entering into the contract is an efficient means of carrying out the program.

(Pub. L. 89-329, title VII, §701, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1786; amended Pub. L. 110-315, title VII, §702(a), Aug. 14, 2008, 122 Stat. 3345.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1134h of this title, prior to repeal by Pub. L. 105-244.

A prior section 1134, Pub. L. 89-329, title IX, §901, as added Pub. L. 99-498, title IX, §901(a), Oct. 17, 1986, 100 Stat. 1549; amended Pub. L. 102-325, title IX, §901, July 23, 1992, 106 Stat. 760; Pub. L. 103-208, §2(j)(27), Dec. 20, 1993, 107 Stat. 2482, stated purpose of former subchapter IX of this chapter and contained administrative provisions, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Another prior section 1134, Pub. L. 89-329, title IX, §901, as added Pub. L. 92-318, title I, §181(a), June 23, 1972, 86 Stat. 304; amended Pub. L. 94-482, title I, §171(a)(1), (2), Oct. 12, 1976, 90 Stat. 2159; Pub. L. 96-49, §9(a), Aug. 13, 1979, 93 Stat. 353; Pub. L. 96-374, title IX, §901(a), title XIII, §1391(a)(1), Oct. 3, 1980, 94 Stat. 1482, 1503, set forth Congressional declaration of purpose and authorized appropriations for grants to institutions of higher education, prior to the general amendment of subchapter IX of this chapter by Pub. L. 99-498.

Another prior section 1134, Pub. L. 89-329, title IX, §901, as added Pub. L. 90-575, title II, §261, Oct. 16, 1968, 82 Stat. 1043, set forth Congressional declaration of purpose respecting education for the public service, prior to repeal by Pub. L. 92-318.

A prior section 701 of Pub. L. 89-329 was classified to section 1132a of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 701 of Pub. L. 89-329 was classified to section 1132a of this title, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 701 of Pub. L. 89-329 was classified to section 1132a of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

AMENDMENTS

2008—Subsec. (c). Pub. L. 110-315 inserted at end “In the case of other exceptional circumstances, such as active duty military service or personal or family member illness, the institution of higher education may also permit the fellowship recipient to interrupt periods of study for the duration of the tour of duty (in the case of military service) or for not more than 12 months (in any other case), but without payment of the stipend.”

§ 1134a. Allocation of fellowships**(a) Fellowship Board****(1) Appointment****(A) In general**

The Secretary shall appoint a Jacob K. Javits Fellows Program Fellowship Board (referred to in this subpart as the “Board”) consisting of 9 individuals representative of both public and private institutions of higher education who are especially qualified to serve on the Board.

(B) Qualifications

In making appointments under subparagraph (A), the Secretary shall—

- (i) give due consideration to the appointment of individuals who are highly respected in the academic community;
- (ii) appoint members who represent the various geographic regions of the United States;
- (iii) ensure that individuals appointed to the Board are broadly representative of a range of disciplines in graduate education in arts, humanities, and social sciences; and
- (iv) ensure that such individuals include representatives from institutions that are eligible for one or more of the grants under subchapter III or V.

(2) Duties

The Board shall—

- (A) establish general policies for the program established by this subpart and oversee the program’s operation;
- (B) establish general criteria for the award of fellowships in academic fields identified by the Board, or, in the event that the Secretary enters into a contract with a nongovernmental entity to administer the program assisted under this subpart, by such nongovernmental entity;
- (C) appoint panels of academic scholars with distinguished backgrounds in the arts, humanities, and social sciences for the purpose of selecting fellows, except that, in the event that the Secretary enters into a contract with a nongovernmental entity to administer the program, such panels may be appointed by such nongovernmental entity; and
- (D) prepare and submit to the Congress at least once in every 3-year period a report on any modifications in the program that the Board determines are appropriate.

(3) Consultations

In carrying out its responsibilities, the Board shall consult on a regular basis with representatives of the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, and representatives of institutions of higher education and associations of such institutions, learned societies, and professional organizations.

(4) Term

The term of office of each member of the Board shall be 4 years, except that any mem-

ber appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed. No member may serve for a period in excess of 6 years.

(5) Initial meeting; vacancy

The Secretary shall call the first meeting of the Board, at which the first order of business shall be the election of a Chairperson and a Vice Chairperson, who shall serve until 1 year after the date of the appointment of the Chairperson and Vice Chairperson. Thereafter each officer shall be elected for a term of 2 years. In case a vacancy occurs in either office, the Board shall elect an individual from among the members of the Board to fill such vacancy.

(6) Quorum; additional meetings

(A) A majority of the members of the Board shall constitute a quorum.

(B) The Board shall meet at least once a year or more frequently, as may be necessary, to carry out the Board’s responsibilities.

(7) Compensation

Members of the Board, while serving on the business of the Board, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the rate of basic pay payable for level IV of the Executive Schedule, including travel time, and while so serving away from their homes or regular places of business, the members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in Government service employed intermittently.

(b) Use of selection panels

The recipients of fellowships shall be selected in each designated field from among all applicants nationwide in each field by distinguished panels appointed by the Board to make such selections under criteria established by the Board, except that, in the event that the Secretary enters into a contract with a nongovernmental entity to administer the program, such panels may be appointed by such nongovernmental entity. The number of recipients in each field in each year shall not exceed the number of fellows allocated to that field for that year by the Board.

(c) Fellowship portability

Each recipient shall be entitled to use the fellowship in a graduate program at any accredited institution of higher education in which the recipient may decide to enroll.

(Pub. L. 89-329, title VII, § 702, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1787; amended Pub. L. 110-315, title VII, § 702(b), Aug. 14, 2008, 122 Stat. 3345.)

REFERENCES IN TEXT

Level IV of the Executive Schedule, referred to in subsec. (a)(7), is set out in section 5315 of Title 5, Government Organization and Employees.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1134i of this title, prior to repeal by Pub. L. 105-244.

A prior section 1134a, Pub. L. 89-329, title IX, § 911, as added Pub. L. 102-325, title IX, § 901, July 23, 1992, 106

Stat. 761, authorized grants to encourage women and minority participation in graduate education, prior to repeal by Pub. L. 105-244, § 3, title VII, § 702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Another prior section 1134a, Pub. L. 89-329, title IX, § 902, as added Pub. L. 99-498, title IX, § 901(a), Oct. 17, 1986, 100 Stat. 1550, related to submission and contents of applications, prior to the general amendment of part A of subchapter IX of this chapter by Pub. L. 102-325.

Another prior section 1134a, Pub. L. 89-329, title IX, § 902, as added Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 305; amended Pub. L. 94-482, title I, § 171(a)(3), Oct. 12, 1976, 90 Stat. 2159; Pub. L. 96-374, title XIII, § 1391(a)(1), Oct. 3, 1980, 94 Stat. 1503, related to applications for grants to institutions of higher education, prior to the general amendment of subchapter IX of this chapter by Pub. L. 99-498.

Another prior section 1134a, Pub. L. 89-329, title IX, § 903, as added Pub. L. 90-575, title II, § 261, Oct. 16, 1968, 82 Stat. 1043, related to project grants and contracts to strengthen and improve education for the public service, prior to repeal by Pub. L. 92-318.

A prior section 702 of Pub. L. 89-329 was classified to section 1132a-1 of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 702 of Pub. L. 89-329 was classified to section 1132a-1 of this title, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 702 of Pub. L. 89-329 was classified to section 1132a-1 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110-315 amended par. (1) generally. Prior to amendment, text read as follows: “The Secretary shall appoint a Jacob K. Javits Fellows Program Fellowship Board (hereinafter in this subpart referred to as the ‘Board’) consisting of 9 individuals representative of both public and private institutions of higher education who are especially qualified to serve on the Board. In making appointments, the Secretary shall give due consideration to the appointment of individuals who are highly respected in the academic community. The Secretary shall assure that individuals appointed to the Board are broadly representative of a range of disciplines in graduate education in arts, humanities, and social sciences.”

§ 1134b. Stipends

(a) Award by Secretary

The Secretary shall pay to individuals awarded fellowships under this subpart such stipends as the Secretary may establish, reflecting the purpose of this program to encourage highly talented students to undertake graduate study as described in this subpart. In the case of an individual who receives such individual's first stipend under this subpart in academic year 2009-2010 or any succeeding academic year, such stipend shall be set at a level of support equal to that provided by the National Science Foundation Graduate Research Fellowship Program for such academic year, except such amount shall be adjusted as necessary so as not to exceed the fellow's demonstrated level of need determined in accordance with part E of subchapter IV of this chapter.

(b) Institutional payments

(1) In general

(A) The Secretary shall (in addition to stipends paid to individuals under this subpart) pay to the institution of higher education, for each individual awarded a fellowship under this subpart at such institution, an institu-

tional allowance. Except as provided in subparagraph (B), such allowance shall be, for academic year 2009-2010 and succeeding academic years, the same amount as the institutional payment made for academic year 2008-2009, adjusted for academic year 2009-2010 and annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for the previous calendar year.

(B) The institutional allowance paid under subparagraph (A) shall be reduced by the amount the institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.

(2) Special rules

(A) Beginning March 1, 1992, any applicant for a fellowship under this subpart who has been notified in writing by the Secretary that such applicant has been selected to receive such a fellowship and is subsequently notified that the fellowship award has been withdrawn, shall receive such fellowship unless the Secretary subsequently makes a determination that such applicant submitted fraudulent information on the application.

(B) Subject to the availability of appropriations, amounts payable to an institution by the Secretary pursuant to this subsection shall not be reduced for any purpose other than the purposes specified under paragraph (1).

(Pub. L. 89-329, title VII, § 703, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1789; amended Pub. L. 110-315, title VII, § 702(c)(1), Aug. 14, 2008, 122 Stat. 3346.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1134j of this title, prior to repeal by Pub. L. 105-244.

A prior section 1134b, Pub. L. 89-329, title IX, § 912, as added Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 761, related to submission and contents of application for assistance, prior to repeal by Pub. L. 105-244, § 3, title VII, § 702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Another prior section 1134b, Pub. L. 89-329, title IX, § 903, as added Pub. L. 99-498, title IX, § 901(a), Oct. 17, 1986, 100 Stat. 1550, related to use of award funds, prior to the general amendment of part A of subchapter IX of this chapter by Pub. L. 102-325.

Another prior section 1134b, Pub. L. 89-329, title IX, § 903, as added Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 305; amended Pub. L. 94-482, title I, § 171(a)(4), Oct. 12, 1976, 90 Stat. 2160; Pub. L. 96-374, title IX, § 901(b), title XIII, § 1391(a)(1), Oct. 3, 1980, 94 Stat. 1482, 1503, related to the uses of funds appropriated to make grants to institutions of higher education, prior to the general amendment of subchapter IX of this chapter by Pub. L. 99-498.

Another prior section 1134b, Pub. L. 89-329, title IX, § 904, as added Pub. L. 90-575, title II, § 261, Oct. 16, 1968, 82 Stat. 1044, related to application for grants or contracts to strengthen and improve education for the public service, providing in subsec. (a) for requisites of application, subsec. (b) for allocation of grants and contracts, and subsec. (c) for payment of compensation of students employed in public service and participation of Federal agencies and departments, prior to repeal by Pub. L. 92-318.

A prior section 703 of Pub. L. 89-329 was classified to section 1132a-2 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-315, §702(c)(1)(A), substituted “2009-2010” for “1999-2000” and “Foundation Graduate Research Fellowship Program for such academic year” for “Foundation graduate fellowships”.

Subsec. (b)(1)(A). Pub. L. 110-315, §702(c)(1)(B), added subpar. (A) and struck out former subpar. (A) which read as follows: “The Secretary shall (in addition to stipends paid to individuals under this subpart) pay to the institution of higher education, for each individual awarded a fellowship under this subpart at such institution, an institutional allowance. Except as provided in subparagraph (B), such allowance shall be, for 1999-2000 and succeeding academic years, the same amount as the institutional payment made for 1998-1999 under section 1134j(b) of this title (as such section was in effect on the day before October 7, 1998) adjusted for 1999-2000 and annually thereafter in accordance with inflation as determined by the Department of Labor’s Consumer Price Index for the previous calendar year.”

§ 1134c. Fellowship conditions**(a) Requirements for receipt**

An individual awarded a fellowship under the provisions of this subpart shall continue to receive payments provided in section 1134b of this title only during such periods as the Secretary finds that such individual is maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded, in an institution of higher education, and is not engaging in gainful employment other than part-time employment by such institution in teaching, research, or similar activities, approved by the Secretary.

(b) Reports from recipients

The Secretary is authorized to require reports containing such information in such form and filed at such times as the Secretary determines necessary from any person awarded a fellowship under the provisions of this subpart. The reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, library, archive, or other research center approved by the Secretary, stating that such individual is making satisfactory progress in, and is devoting essentially full time to the program for which the fellowship was awarded.

(Pub. L. 89-329, title VII, §704, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1789.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1134k of this title, prior to repeal by Pub. L. 105-244.

A prior section 1134c, Pub. L. 89-329, title IX, §913, as added Pub. L. 102-325, title IX, §901, July 23, 1992, 106 Stat. 762, related to use of funds by grant recipients, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Another prior section 1134c, Pub. L. 89-329, title IX, §904, as added Pub. L. 92-318, title I, §181(a), June 23, 1972, 86 Stat. 306; amended Pub. L. 96-374, title XIII, §1391(a)(1), Oct. 3, 1980, 94 Stat. 1503, authorized studies and research activities on the need for, and improvement of, graduate programs, prior to the general amendment of subchapter IX of this chapter by Pub. L. 99-498.

Another prior section 1134c, Pub. L. 89-329, title IX, §911, as added Pub. L. 90-575, title II, §261, Oct. 16, 1968, 82 Stat. 1044, provided for authorization to award public service fellowships, prior to repeal by Pub. L. 92-318.

A prior section 704 of Pub. L. 89-329 was classified to section 1132a-3 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

Prior sections 1134c-1 and 1134c-2 were repealed by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Section 1134c-1, Pub. L. 89-329, title IX, §914, as added Pub. L. 102-325, title IX, §901, July 23, 1992, 106 Stat. 762, related to information collection.

Section 1134c-2, Pub. L. 89-329, title IX, §915, as added Pub. L. 102-325, title IX, §901, July 23, 1992, 106 Stat. 762, authorized appropriations for part A of former subchapter IX of this chapter.

§ 1134d. Authorization of appropriations

There are authorized to be appropriated \$30,000,000 for fiscal year 2009 and each of the five succeeding fiscal years to carry out this subpart.

(Pub. L. 89-329, title VII, §705, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1790; amended Pub. L. 110-315, title VII, §702(d), Aug. 14, 2008, 122 Stat. 3346.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1134k-1 of this title, prior to repeal by Pub. L. 105-244.

A prior section 1134d, Pub. L. 89-329, title IX, §921, as added Pub. L. 99-498, title IX, §901(a), Oct. 17, 1986, 100 Stat. 1550; amended Pub. L. 102-325, title IX, §901, July 23, 1992, 106 Stat. 762, stated purpose of the Patricia Roberts Harris Fellowship program and provided that a recipient of an award under that program be known as a “Patricia Roberts Harris Graduate Fellow”, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Another prior section 1134d, Pub. L. 89-329, title IX, §921, as added Pub. L. 96-374, title IX, §902(a), Oct. 3, 1980, 94 Stat. 1482, set forth Congressional statement of purpose, prior to the general amendment of subchapter IX of this chapter by Pub. L. 99-498.

Another prior section 1134d, Pub. L. 89-329, title IX, §921, as added Pub. L. 92-318, title I, §181(a), June 23, 1972, 86 Stat. 306; amended Pub. L. 94-482, title I, §171(b), Oct. 12, 1976, 90 Stat. 2160, authorized appropriations for carrying out the program of fellowships for graduate and professional study, prior to the general amendment of part B of subchapter IX of this chapter by Pub. L. 96-374.

Another prior section 1134d, Pub. L. 89-329, title IX, §912, as added Pub. L. 90-575, title II, §261, Oct. 16, 1968, 82 Stat. 1045, provided for allocation of public service fellowships, prior to repeal by Pub. L. 92-318, title I, §181(a), June 23, 1972, 86 Stat. 304.

A prior section 705 of Pub. L. 89-329 was classified to section 1132a-4 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

Prior sections 1134e to 1134w were repealed by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Section 1134e, Pub. L. 89-329, title IX, §922, as added Pub. L. 99-498, title IX, §901(a), Oct. 17, 1986, 100 Stat. 1550; amended Pub. L. 102-325, title IX, §901, July 23, 1992, 106 Stat. 763; Pub. L. 103-208, §2(j)(28), Dec. 20, 1993, 107 Stat. 2482, authorized Patricia Roberts Harris Fellowship program.

Another prior section 1134e, Pub. L. 89-329, title IX, §922, as added Pub. L. 96-374, title IX, §902(a), Oct. 3, 1980, 94 Stat. 1482, authorized program of grants to assist graduate and professional study, prior to the general amendment of subchapter IX of this chapter by Pub. L. 99-498.

Another prior section 1134e, Pub. L. 89-329, title IX, §922, as added Pub. L. 92-318, title I, §181(a), June 23, 1972, 86 Stat. 306; amended Pub. L. 94-482, title I, §171(b), Oct. 12, 1976, 90 Stat. 2160; Pub. L. 96-49, §9(b),

Aug. 13, 1979, 93 Stat. 353, related to the authorization, duration, and extension of the period of fellowships, the awarding of vacated fellowships, and the question of the interruption of studies of fellowship recipients, prior to the general amendment of part B of subchapter IX of this chapter by Pub. L. 96-374.

Another prior section 1134e, Pub. L. 89-329, title IX, § 913, as added Pub. L. 90-575, title II, § 261, Oct. 16, 1968, 82 Stat. 1045, provided for approval of programs, prior to repeal by Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 304.

Section 1134f, Pub. L. 89-329, title IX, § 923, as added Pub. L. 99-498, title IX, § 901(a), Oct. 17, 1986, 100 Stat. 1552; amended Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 764; Pub. L. 103-208, § 2(j)(29)-(31), Dec. 20, 1993, 107 Stat. 2482, 2483, related to award of fellowships.

Another prior section 1134f, Pub. L. 89-329, title IX, § 923, as added Pub. L. 96-374, title IX, § 902(a), Oct. 3, 1980, 94 Stat. 1484, related to award of fellowships to graduate and professional students, prior to the general amendment of subchapter IX of this chapter by Pub. L. 99-498.

Another prior section 1134f, Pub. L. 89-329, title IX, § 923, as added Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 306; amended Pub. L. 94-482, title I, § 171(b), Oct. 12, 1976, 90 Stat. 2160, related to the award of fellowships and the approval of graduate programs, prior to the general amendment of part B of subchapter IX of this chapter by Pub. L. 96-374.

Another prior section 1134f, Pub. L. 89-329, title IX, § 914, as added Pub. L. 90-575, title II, § 261, Oct. 16, 1968, 82 Stat. 1045, provided for stipends for public service fellowships, prior to repeal by Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 304.

Section 1134g, Pub. L. 89-329, title IX, § 924, as added Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 765; amended Pub. L. 103-208, § 2(j)(32), Dec. 20, 1993, 107 Stat. 2483, authorized appropriations for Patricia Roberts Harris Fellowship program.

Another prior section 1134g, Pub. L. 89-329, title IX, § 924, as added Pub. L. 96-374, title IX, § 902(a), Oct. 3, 1980, 94 Stat. 1484, authorized appropriations for fiscal years 1981 to 1985 for grant program to assist graduate and professional students, prior to the general amendment of subchapter IX of this chapter by Pub. L. 99-498.

Another prior section 1134g, Pub. L. 89-329, title IX, § 924, as added Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 307; amended Pub. L. 94-482, title I, § 171(b), Oct. 12, 1976, 90 Stat. 2161, related to fellowship stipends, additional allowances to institutions of higher education, and deductions, prior to the general amendment of part B of subchapter IX of this chapter by Pub. L. 96-374.

Another prior section 1134g, Pub. L. 89-329, title IX, § 915, as added Pub. L. 90-575, title II, § 261, Oct. 16, 1968, 82 Stat. 1045, provided for public service fellowship conditions, prior to repeal by Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 304.

Section 1134h, Pub. L. 89-329, title IX, § 931, as added Pub. L. 99-498, title IX, § 901(a), Oct. 17, 1986, 100 Stat. 1552; amended Pub. L. 100-50, § 20(1), June 3, 1987, 101 Stat. 360; Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 765; Pub. L. 103-208, § 2(j)(33), Dec. 20, 1993, 107 Stat. 2483, authorized award of Jacob K. Javits fellowships and provided that award recipients be known as “Jacob K. Javits Fellows”. See section 1134 of this title.

Another prior section 1134h, Pub. L. 89-329, title IX, § 931, as added Pub. L. 96-374, title IX, § 903, Oct. 3, 1980, 94 Stat. 1484; amended Pub. L. 99-159, title VIII, § 802, Nov. 22, 1985, 99 Stat. 908, authorized award of fellowships for graduate study in arts, humanities, and social sciences, prior to the general amendment of subchapter IX of this chapter by Pub. L. 99-498.

Another prior section 1134h, Pub. L. 89-329, title IX, § 925, as added Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 307; amended Pub. L. 94-482, title I, § 171(b), Oct. 12, 1976, 90 Stat. 2162, set out conditions attached to fellowships for graduate and professional study, prior to the general amendment of part B of subchapter IX of this chapter by Pub. L. 96-374.

Another prior section 1134h, Pub. L. 89-329, title IX, § 921, as added Pub. L. 90-575, title II, § 261, Oct. 16, 1968, 82 Stat. 1046, defined “State”, “institution of higher education”, “public service” and “academic year”, prior to repeal by Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 304.

Section 1134i, Pub. L. 89-329, title IX, § 932, as added Pub. L. 99-498, title IX, § 901(a), Oct. 17, 1986, 100 Stat. 1553; amended Pub. L. 100-50, § 20(2), (3), June 3, 1987, 101 Stat. 360; Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 766; Pub. L. 103-208, § 2(j)(34), (35), Dec. 20, 1993, 107 Stat. 2483, related to Jacob K. Javits Fellows Program Fellowship Board and to allocation of fellowships. See section 1134a of this title.

Another prior section 1134i, Pub. L. 89-329, title IX, § 932, as added Pub. L. 96-374, title IX, § 903, Oct. 3, 1980, 94 Stat. 1485, related to allocation of fellowships for graduate study in arts, humanities, and social sciences, prior to the general amendment of subchapter IX of this chapter by Pub. L. 99-498.

Another prior section 1134i, Pub. L. 89-329, title IX, § 941, as added Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 308; amended Pub. L. 94-482, title I, § 171(c)(1), Oct. 12, 1976, 90 Stat. 2162; Pub. L. 96-49, § 9(c), Aug. 13, 1979, 93 Stat. 353, related to award of public service fellowships, prior to repeal by section 902(b) of Pub. L. 96-374.

Another prior section 1134i, Pub. L. 89-329, title IX, § 922, as added Pub. L. 90-575, title II, § 261, Oct. 16, 1968, 82 Stat. 1046, related to coordination of Federal assistance respecting education for the public service, prior to repeal by Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 304.

Section 1134j, Pub. L. 89-329, title IX, § 933, as added Pub. L. 99-498, title IX, § 901(a), Oct. 17, 1986, 100 Stat. 1554; amended Pub. L. 100-50, § 20(4), June 3, 1987, 101 Stat. 360; Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 767; Pub. L. 103-208, § 2(j)(36), Dec. 20, 1993, 107 Stat. 2483, related to payment of stipends to award recipients. See section 1134b of this title.

Another prior section 1134j, Pub. L. 89-329, title IX, § 933, as added Pub. L. 96-374, title IX, § 903, Oct. 3, 1980, 94 Stat. 1486, related to stipends paid to individuals awarded fellowships for graduate study in arts, humanities, and social sciences, prior to the general amendment of subchapter IX of this chapter by Pub. L. 99-498.

Another prior section 1134j, Pub. L. 89-329, title IX, § 942, as added Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 308; amended Pub. L. 94-482, title I, § 171(c)(2), Oct. 12, 1976, 90 Stat. 2163, related to the allocation of public service fellowships, prior to repeal by section 902(b) of Pub. L. 96-374.

Another prior section 1134j, Pub. L. 89-329, title IX, § 923, as added Pub. L. 90-575, title II, § 261, Oct. 16, 1968, 82 Stat. 1046; amended Pub. L. 92-318, title I, § 131(d)(2)(E), June 23, 1972, 86 Stat. 260, prohibited any grant, contract, or fellowship for study at schools or departments of divinity, prior to repeal by Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 304.

Section 1134k, Pub. L. 89-329, title IX, § 934, as added Pub. L. 99-498, title IX, § 901(a), Oct. 17, 1986, 100 Stat. 1554; amended Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 767, related to fellowship conditions. See section 1134c of this title.

Another prior section 1134k, Pub. L. 89-329, title IX, § 934, as added Pub. L. 96-374, title IX, § 903, Oct. 3, 1980, 94 Stat. 1486, related to conditions on continuance of fellowships for graduate study in arts, humanities, and social sciences, prior to the general amendment of subchapter IX of this chapter by Pub. L. 99-498.

Another prior section 1134k, Pub. L. 89-329, title IX, § 943, as added Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 308; amended Pub. L. 94-482, title I, § 171(c)(3), Oct. 12, 1976, 90 Stat. 2163, related to requisite approval of programs of graduate or professional study, prior to repeal by section 902(b) of Pub. L. 96-374.

Another prior section 1134k, Pub. L. 89-329, title IX, § 924, as added Pub. L. 90-575, title II, § 261, Oct. 16, 1968, 82 Stat. 1046, provided for annual report of the Secretary to Congress of activities relating to education

for public service, prior to repeal by Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 304.

Section 1134k-1, Pub. L. 89-329, title IX, § 935, as added Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 768, authorized appropriations for Jacob K. Javits Fellowship program. See section 1134d of this title.

Section 1134l, Pub. L. 89-329, title IX, § 941, as added Pub. L. 99-498, title IX, § 901(a), Oct. 17, 1986, 100 Stat. 1555; amended Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 768; Pub. L. 103-208, § 2(j)(37), Dec. 20, 1993, 107 Stat. 2484, stated purpose of graduate assistance in areas of national need grant program.

Another prior section 1134l, Pub. L. 89-329, title IX, § 941, as added Pub. L. 96-374, title IX, § 904, Oct. 3, 1980, 94 Stat. 1486, authorized assistance for training in legal profession, prior to the general amendment of subchapter IX of this chapter by Pub. L. 99-498.

Another prior section 1134l, Pub. L. 89-329, title IX, § 944, as added Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 309; amended Pub. L. 94-482, title I, § 171(c)(4), Oct. 12, 1976, 90 Stat. 2163, related to payments to persons awarded public service fellowships, prior to repeal by section 902(b) of Pub. L. 96-374.

Another prior section 1134l, Pub. L. 89-329, title IX, § 925, as added Pub. L. 90-575, title II, § 261, Oct. 16, 1968, 82 Stat. 1046, authorized appropriations for education for the public service, prior to repeal by Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 304.

Section 1134m, Pub. L. 89-329, title IX, § 942, as added Pub. L. 99-498, title IX, § 901(a), Oct. 17, 1986, 100 Stat. 1555; amended Pub. L. 100-369, § 7(c), July 18, 1988, 102 Stat. 837; Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 768, authorized grants to academic departments and programs to provide assistance to graduate students. See section 1135 of this title.

Another prior section 1134m, Pub. L. 89-329, title IX, § 942, as added Pub. L. 96-374, title IX, § 904, Oct. 3, 1980, 94 Stat. 1487, authorized appropriations for fiscal years 1981 to 1985 for program of assistance for training in legal profession, prior to the general amendment of subchapter IX of this chapter by Pub. L. 99-498.

Another prior section 1134m, Pub. L. 89-329, title IX, § 945, as added Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 309, related to conditions attached to public service fellowships, prior to repeal by section 902(b) of Pub. L. 96-374.

Section 1134n, Pub. L. 89-329, title IX, § 943, as added Pub. L. 99-498, title IX, § 901(a), Oct. 17, 1986, 100 Stat. 1556; amended Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 769; Pub. L. 103-208, § 2(j)(38), Dec. 20, 1993, 107 Stat. 2484, related to institutional eligibility for grants. See section 1135a of this title.

Another prior section 1134n, Pub. L. 89-329, title IX, § 951, as added Pub. L. 96-374, title IX, § 905, Oct. 3, 1980, 94 Stat. 1487, authorized assistance for law school clinical experience programs, prior to the general amendment of subchapter IX of this chapter by Pub. L. 99-498.

Another prior section 1134n, Pub. L. 89-329, title IX, § 961, as added Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 309; amended Pub. L. 94-482, title I, § 171(d)(1)-(3), Oct. 12, 1976, 90 Stat. 2163; Pub. L. 96-49, § 9(d), Aug. 13, 1979, 93 Stat. 353, provided for a program of fellowships for other purposes, prior to repeal by section 902(b) of Pub. L. 96-374.

Section 1134o, Pub. L. 89-329, title IX, § 944, as added Pub. L. 99-498, title IX, § 901(a), Oct. 17, 1986, 100 Stat. 1556; amended Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 770, related to criteria for applications for grants. See section 1135b of this title.

Another prior section 1134o, Pub. L. 89-329, title IX, § 952, as added Pub. L. 96-374, title IX, § 905, Oct. 3, 1980, 94 Stat. 1488, related to applications for assistance for law school clinical experience programs, prior to the general amendment of subchapter IX of this chapter by Pub. L. 99-498.

Another prior section 1134o, Pub. L. 89-329, title IX, § 962, as added Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 310, related to the award of fellowships for other purposes, prior to repeal by section 902(b) of Pub. L. 96-374.

Section 1134p, Pub. L. 89-329, title IX, § 945, as added Pub. L. 99-498, title IX, § 901(a), Oct. 17, 1986, 100 Stat. 1557; amended Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 770; Pub. L. 103-208, § 2(j)(39), Dec. 20, 1993, 107 Stat. 2484, related to awards to graduate students. See section 1135c of this title.

Another prior section 1134p, Pub. L. 89-329, title IX, § 953, as added Pub. L. 96-374, title IX, § 905, Oct. 3, 1980, 94 Stat. 1488, authorized appropriations for fiscal years 1981 to 1985 for providing assistance for law school clinical experience programs, prior to the general amendment of subchapter IX of this chapter by Pub. L. 99-498.

Another prior section 1134p, Pub. L. 89-329, title IX, § 963, as added Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 310; amended Pub. L. 94-482, title I, § 171(d)(4), Oct. 12, 1976, 90 Stat. 2163, related to the amount of payments to persons awarded fellowships for other purposes, prior to repeal by section 902(b) of Pub. L. 96-374.

Section 1134q, Pub. L. 89-329, title IX, § 946, as added Pub. L. 99-498, title IX, § 901(a), Oct. 17, 1986, 100 Stat. 1558; amended Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 771; Pub. L. 103-208, § 2(j)(40), Dec. 20, 1993, 107 Stat. 2484, related to additional assistance for cost of education. See section 1135d of this title.

Another prior section 1134q, Pub. L. 89-329, title IX, § 964, as added Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 311, related to fellowship conditions in program of fellowships other than public service fellowships or fellowships for graduate and professional study, prior to repeal by Pub. L. 96-374, title IX, § 902(b), Oct. 3, 1980, 94 Stat. 1484, eff. Oct. 1, 1980.

Section 1134q-1, Pub. L. 89-329, title IX, § 947, as added Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 771, authorized appropriations for graduate assistance in areas of national need grant program.

Section 1134r, Pub. L. 89-329, title IX, § 951, as added Pub. L. 99-498, title IX, § 901(a), Oct. 17, 1986, 100 Stat. 1558; amended Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 772; Pub. L. 103-208, § 2(j)(41), Dec. 20, 1993, 107 Stat. 2484, authorized grants for faculty development fellowship awards and provided that fellowship recipients be known as "Faculty Development Fellows".

Another prior section 1134r, Pub. L. 89-329, title IX, § 965, as added Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 311, authorized appropriations for program of fellowships other than public service fellowships or fellowships for graduate and professional study, prior to repeal by Pub. L. 96-374, title IX, § 902(b), Oct. 3, 1980, 94 Stat. 1484, eff. Oct. 1, 1980.

Section 1134r-1, Pub. L. 89-329, title IX, § 952, as added Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 773, related to amount of fellowships.

Another prior section 1134r-1, Pub. L. 89-329, title IX, § 966, as added Pub. L. 93-380, title VIII, § 836(a), Aug. 21, 1974, 88 Stat. 605; amended Pub. L. 94-482, title I, § 171(d)(5), Oct. 12, 1976, 90 Stat. 2164; Pub. L. 96-49, § 9(e), Aug. 13, 1979, 93 Stat. 353, related to a program of assistance for training in legal profession, prior to repeal by Pub. L. 96-374, title IX, § 902(b), Oct. 3, 1980, 94 Stat. 1484, eff. Oct. 1, 1980.

Section 1134r-2, Pub. L. 89-329, title IX, § 953, as added Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 773, related to applications required for grants.

Another prior section 1134r-2, Pub. L. 89-329, title IX, § 971, as added Pub. L. 94-482, title I, § 171(e), Oct. 12, 1976, 90 Stat. 2164, related to an annual report on graduate and assistance program, prior to repeal by Pub. L. 96-374, title IX, § 902(b), Oct. 3, 1980, 94 Stat. 1484, eff. Oct. 1, 1980, and also by Pub. L. 96-470, title I, § 106(b), Oct. 19, 1980, 94 Stat. 2238.

Section 1134r-3, Pub. L. 89-329, title IX, § 954, as added Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 774, related to fellowship agreements.

Section 1134r-4, Pub. L. 89-329, title IX, § 955, as added Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 774, related to fellowship repayment provisions.

Section 1134r-5, Pub. L. 89-329, title IX, § 956, as added Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 774, related to exceptions to repayment provisions.

Section 1134r-6, Pub. L. 89-329, title IX, §957, as added Pub. L. 102-325, title IX, §901, July 23, 1992, 106 Stat. 775, authorized appropriations for faculty development fellowship program.

Section 1134s, Pub. L. 89-329, title IX, §961, as added Pub. L. 99-498, title IX, §901(a), Oct. 17, 1986, 100 Stat. 1558; amended Pub. L. 102-325, title IX, §901, July 23, 1992, 106 Stat. 775, authorized program for assistance for training in legal profession.

Another prior section 1134s, Pub. L. 89-329, title IX, §981, as added Pub. L. 92-318, title X, §1001(b), June 23, 1972, 86 Stat. 380, related to a program of general assistance to graduate schools, prior to repeal by Pub. L. 96-374, title IX, §902(b), Oct. 3, 1980, 94 Stat. 1484, eff. Oct. 1, 1980. Subsequent to repeal, subsec. (f) of that section was repealed by Pub. L. 96-470, title I, §106(c), Oct. 19, 1980, 94 Stat. 2238.

Section 1134t, Pub. L. 89-329, title IX, §962, as added Pub. L. 99-498, title IX, §901(a), Oct. 17, 1986, 100 Stat. 1559; amended Pub. L. 102-325, title IX, §901, July 23, 1992, 106 Stat. 776, authorized appropriations for program for assistance for training in legal profession.

Section 1134u, Pub. L. 89-329, title IX, §971, as added Pub. L. 99-498, title IX, §901(a), Oct. 17, 1986, 100 Stat. 1560; amended Pub. L. 102-325, title IX, §901, July 23, 1992, 106 Stat. 776, authorized grants and contracts for programs to provide law school clinical experience programs.

Section 1134v, Pub. L. 89-329, title IX, §972, as added Pub. L. 102-325, title IX, §901, July 23, 1992, 106 Stat. 777, related to applications for grants or contracts.

Section 1134w, Pub. L. 89-329, title IX, §973, as added Pub. L. 102-325, title IX, §901, July 23, 1992, 106 Stat. 777, authorized appropriations for law school clinical experience programs.

AMENDMENTS

2008—Pub. L. 110-315 substituted “fiscal year 2009 and each of the five succeeding fiscal years to carry out this subpart” for “fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out this subpart”.

SUBPART 2—GRADUATE ASSISTANCE IN AREAS OF NATIONAL NEED

§ 1135. Grants to academic departments and programs of institutions

(a) Grant authority

(1) In general

The Secretary shall make grants to academic departments, programs and other academic units of institutions of higher education that provide courses of study leading to a graduate degree, including a master's or doctoral degree, in order to enable such institutions to provide assistance to graduate students in accordance with this subpart.

(2) Additional grants

The Secretary may also make grants to such departments, programs and other academic units of institutions of higher education granting graduate degrees which submit joint proposals involving nondegree granting institutions which have formal arrangements for the support of doctoral dissertation research with degree-granting institutions. Nondegree granting institutions eligible for awards as part of such joint proposals include any organization which—

(A) is described in section 501(c)(3) of title 26, and is exempt from tax under section 501(a) of such title;

(B) is organized and operated substantially to conduct scientific and cultural research and graduate training programs;

(C) is not a private foundation;

(D) has academic personnel for instruction and counseling who meet the standards of the institution of higher education in which the students are enrolled; and

(E) has necessary research resources not otherwise readily available in such institutions to such students.

(b) Award and duration of grants

(1) Awards

The principal criterion for the award of grants shall be the relative quality of the graduate programs presented in competing applications. Consistent with an allocation of awards based on quality of competing applications, the Secretary shall, in awarding such grants, promote an equitable geographic distribution among eligible public and private institutions of higher education.

(2) Duration and amount

(A) Duration

The Secretary shall award a grant under this subpart for a period of 3 years.

(B) Amount

The Secretary shall award a grant to an academic department, program or unit of an institution of higher education under this subpart for a fiscal year in an amount that is not less than \$100,000 and not greater than \$750,000.

(3) Reallotment

Whenever the Secretary determines that an academic department, program or unit of an institution of higher education is unable to use all of the amounts available to the department, program or unit under this subpart, the Secretary shall, on such dates during each fiscal year as the Secretary may fix, reallot the amounts not needed to academic departments, programs and units of institutions which can use the grants authorized by this subpart.

(c) Preference to continuing grant recipients

(1) In general

The Secretary shall make new grant awards under this subpart only to the extent that each previous grant recipient under this subpart has received continued funding in accordance with subsection (b)(2)(A) of this section.

(2) Ratable reduction

To the extent that appropriations under this subpart are insufficient to comply with paragraph (1), available funds shall be distributed by ratably reducing the amounts required to be awarded under subsection (b)(2)(A) of this section.

(Pub. L. 89-329, title VII, §711, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1790; amended Pub. L. 110-315, title VII, §703(e)(1), Aug. 14, 2008, 122 Stat. 3347.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1134m of this title, prior to repeal by Pub. L. 105-244.

A prior section 1135, Pub. L. 89-329, title X, §1001, as added Pub. L. 96-374, title X, §1001(a), Oct. 3, 1980, 94

Stat. 1489; amended Pub. L. 102-325, title X, §1001, July 23, 1992, 106 Stat. 778, related to Fund for the Improvement of Postsecondary Education, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998. See section 1138 of this title.

Another prior section 1135, Pub. L. 89-329, title X, §1001, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 312; amended Pub. L. 93-380, title VIII, §837, Aug. 21, 1974, 88 Stat. 606; Pub. L. 94-482, title I, §176(a)(3)-(5), title V, §501(a)(20), Oct. 12, 1976, 90 Stat. 2165, 2236; Pub. L. 95-180, §1(c), Nov. 15, 1977, 91 Stat. 1372; Pub. L. 96-49, §53(a), Aug. 13, 1979, 93 Stat. 354, related to development plans for expansion or improvement of postsecondary education programs in community colleges, prior to repeal by section 1001(a) of Pub. L. 96-374.

Another prior section 1135, Pub. L. 89-329, title X, §1001, as added Pub. L. 90-575, title II, §271, Oct. 16, 1968, 82 Stat. 1047, contained Congressional statement of purpose respecting improvement of graduate programs, prior to the general amendment of subchapter X of this chapter by Pub. L. 92-318.

A prior section 711 of Pub. L. 89-329 was classified to section 1132b of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 711 of Pub. L. 89-329 was classified to section 1132b of this title, prior to the general amendment of part A of this subchapter by Pub. L. 102-325.

Another prior section 711 of Pub. L. 89-329 was classified to section 1132b of this title, prior to the general amendment of this subchapter by Pub. L. 99-498.

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110-315 inserted “, including a master’s or doctoral degree,” after “leading to a graduate degree”.

§ 1135a. Institutional eligibility

(a) Eligibility criteria

Any academic department, program or unit of an institution of higher education that offers a program of postbaccalaureate study leading to a graduate degree, including a master’s or doctoral degree, in an area of national need (as designated under subsection (b) of this section) may apply for a grant under this subpart. No department, program or unit shall be eligible for a grant unless the program of postbaccalaureate study has been in existence for at least 4 years at the time of application for assistance under this subpart.

(b) Designation of areas of national need

After consultation with appropriate Federal and nonprofit agencies and organizations, including the National Science Foundation, the Department of Defense, the Department of Homeland Security, the National Academy of Sciences, and the Bureau of Labor Statistics, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into consideration—

- (1) the extent to which the interest in the area is compelling;
- (2) the extent to which other Federal programs support postbaccalaureate study in the area concerned;
- (3) an assessment of how the program may achieve the most significant impact with available resources; and
- (4) an assessment of current (as of the time of the designation) and future professional workforce needs of the United States.

(Pub. L. 89-329, title VII, §712, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1791; amended Pub. L. 110-315, title VII, §703(a), (e)(2), Aug. 14, 2008, 122 Stat. 3346, 3347.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1134n of this title, prior to repeal by Pub. L. 105-244.

A prior section 1135a, Pub. L. 89-329, title X, §1002, as added Pub. L. 96-374, title X, §1001(a), Oct. 3, 1980, 94 Stat. 1490; amended Pub. L. 102-325, title X, §1001, July 23, 1992, 106 Stat. 778, related to National Board of the Fund for the Improvement of Postsecondary Education, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998. See section 1138a of this title.

Another prior section 1135a, Pub. L. 89-329, title X, §1011, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 313; amended Pub. L. 94-482, title I, §176(b)(2), Oct. 12, 1976, 90 Stat. 2165; Pub. L. 96-49, §53(b), Aug. 13, 1979, 93 Stat. 354, authorized appropriations for a program of establishment and expansion of community colleges, prior to repeal by section 1001(a) of Pub. L. 96-374.

Another prior section 1135a, Pub. L. 89-329, title X, §1002, as added Pub. L. 90-575, title II, §271, Oct. 16, 1968, 82 Stat. 1047, authorized appropriations, provided for types of programs, and prescribed limitations respecting improvement of graduate programs, prior to the general amendment of subchapter X of this chapter by Pub. L. 92-318.

A prior section 712 of Pub. L. 89-329 was classified to section 1132b-1 of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 712 of Pub. L. 89-329 was classified to section 1132b-1 of this title, prior to the general amendment of part A of this subchapter by Pub. L. 102-325.

Another prior section 712 of Pub. L. 89-329 was classified to section 1132b-1 of this title, prior to the general amendment of this subchapter by Pub. L. 99-498.

A prior section 1135a-1, Pub. L. 89-329, title X, §1003, as added Pub. L. 96-374, title X, §1001(a), Oct. 3, 1980, 94 Stat. 1490; amended Pub. L. 99-498, title X, §1001(a), Oct. 17, 1986, 100 Stat. 1560; Pub. L. 102-325, title X, §1001, July 23, 1992, 106 Stat. 779, contained administrative provisions, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998. See section 1138b of this title.

Another prior section 1135a-1, Pub. L. 89-329, title X, §1012, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 313; amended Pub. L. 94-482, title I, §176(b)(3), Oct. 12, 1976, 90 Stat. 2165; Pub. L. 95-180, §1(c), Nov. 15, 1977, 91 Stat. 1372, related to the apportionment of funds in the program of establishing and expanding community colleges, prior to repeal by section 1001(a) of Pub. L. 96-374.

A prior section 1135a-2, Pub. L. 89-329, title X, §1004, as added Pub. L. 96-374, title X, §1001(a), Oct. 3, 1980, 94 Stat. 1490; amended Pub. L. 102-325, title X, §1001, July 23, 1992, 106 Stat. 779; Pub. L. 103-208, §2(j)(42), Dec. 20, 1993, 107 Stat. 2484, authorized appropriations for the Fund for the Improvement of Postsecondary Education, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998. See section 1138d of this title.

Another prior section 1135a-2, Pub. L. 89-329, title X, §1013, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 314, provided for establishment grants and defined the term “new community college”, prior to repeal by section 1001(a) of Pub. L. 96-374.

A prior section 1135a-3, Pub. L. 89-329, title X, §1005, as added Pub. L. 96-374, title X, §1001(a), Oct. 3, 1980, 94 Stat. 1491; amended Pub. L. 99-498, title X, §1001(b), Oct. 17, 1986, 100 Stat. 1561, authorized appropriations to carry out part A of former subchapter X of this chapter for fiscal years 1987 to 1991, prior to the general amendment of that part by Pub. L. 102-325.

Another prior section 1135a-3 and prior sections 1135a-4 to 1135a-7 were repealed by Pub. L. 96-374, title X, §1001(a), Oct. 3, 1980, 94 Stat. 1489, eff. Oct. 1, 1980.

Section 1135a-3, Pub. L. 89-329, title X, §1014, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 314; amended Pub. L. 94-482, title I, §177, Oct. 12, 1976, 90 Stat. 2165, related to expansion grants.

Section 1135a-4, Pub. L. 89-329, title X, §1015, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 314, related to leasing of facilities.

Section 1135a-5, Pub. L. 89-329, title X, §1016, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 315, related to establishment and expansion grants.

Section 1135a-6, Pub. L. 89-329, title X, §1017, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 315, authorized payment to approved applicants.

Section 1135a-7, Pub. L. 89-329, title X, §1018, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 315; amended Pub. L. 94-482, title I, §178, Oct. 12, 1976, 90 Stat. 2166, defined the term “community college”.

A prior section 1135a-11, Pub. L. 89-329, title X, §1011, as added Pub. L. 102-325, title X, §1001, July 23, 1992, 106 Stat. 780; amended Pub. L. 103-208, §2(j)(43), Dec. 20, 1993, 107 Stat. 2484, authorized grants for special projects in areas of national need, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998. See section 1138c of this title.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-315, §703(e)(2), inserted “, including a master’s or doctoral degree,” after “leading to a graduate degree”.

Subsec. (b). Pub. L. 110-315, §703(a), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “After consultation with appropriate Federal and nonprofit agencies and organizations, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into account the extent to which the interest in the area is compelling, the extent to which other Federal programs support postbaccalaureate study in the area concerned, and an assessment of how the program could achieve the most significant impact with available resources.”

§ 1135b. Criteria for applications

(a) Selection of applications

The Secretary shall make grants to academic departments, programs and units of institutions of higher education on the basis of applications submitted in accordance with subsection (b) of this section. Applications shall be ranked on program quality by review panels of nationally recognized scholars and evaluated on the quality and effectiveness of the academic program and the achievement and promise of the students to be served. To the extent possible (consistent with other provisions of this section), the Secretary shall make awards that are consistent with recommendations of the review panels.

(b) Contents of applications

An academic department, program or unit of an institution of higher education, in the department, program or unit’s application for a grant, shall—

- (1) describe the current academic program of the applicant for which the grant is sought;
- (2) provide assurances that the applicant will provide, from other non-Federal sources, for the purposes of the fellowship program under this subpart an amount equal to at least 25 percent of the amount of the grant received under this subpart, which contribution may be in cash or in kind, fairly valued;

(3) set forth policies and procedures to assure that, in making fellowship awards under this subpart, the institution will seek talented students from traditionally underrepresented backgrounds, as determined by the Secretary;

(4) describe the number, types, and amounts of the fellowships that the applicant intends to offer with grant funds provided under this part;

(5) set forth policies and procedures to assure that, in making fellowship awards under this subpart, the institution will make awards to individuals who—

(A) have financial need, as determined under part E of subchapter IV of this chapter;

(B) have excellent academic records in their previous programs of study; and

(C) plan to pursue the highest possible degree available in their course of study at the institution;

(6) set forth policies and procedures to ensure that Federal funds made available under this subpart for any fiscal year will be used to supplement and, to the extent practical, increase the funds that would otherwise be made available for the purpose of this subpart and in no case to supplant those funds;

(7) provide assurances that, in the event that funds made available to the academic department, program or unit under this subpart are insufficient to provide the assistance due a student under the commitment entered into between the academic department, program or unit and the student, the academic department, program or unit will, from any funds available to the department, program or unit, fulfill the commitment to the student;

(8) provide that the applicant will comply with the limitations set forth in section 1135d of this title;

(9) provide assurances that the academic department will provide at least 1 year of supervised training in instruction for students; and

(10) include such other information as the Secretary may prescribe.

(Pub. L. 89-329, title VII, §713, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1791; amended Pub. L. 110-315, title VII, §703(e)(3), Aug. 14, 2008, 122 Stat. 3347.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1134o of this title, prior to repeal by Pub. L. 105-244.

A prior section 1135b, Pub. L. 89-329, title X, §1021, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1561, and amended, which related to purpose of and authority for minority science improvement program, was renumbered section 351 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, §301(a)(5), (7), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1067a of this title.

Another prior section 1135b, Pub. L. 89-329, title X, §1051, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 316, authorized appropriations for occupational education programs, prior to repeal by Pub. L. 94-482, title I, §176(c), title II, §204(c)(2), Oct. 12, 1976, 90 Stat. 2165, 2215, eff. Sept. 30, 1977, Oct. 1, 1977.

Another prior section 1135b, Pub. L. 89-329, title X, §1003, as added Pub. L. 90-575, title II, §271, Oct. 16, 1968, 82 Stat. 1048, related to selection of grant recipients for

improvement of graduate programs, prior to the general amendment of subchapter X of this chapter by Pub. L. 92-318.

A prior section 713 of Pub. L. 89-329 was classified to section 1132b-2 of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 713 of Pub. L. 89-329 was classified to section 1132b-2 of this title, prior to the general amendment of part A of this subchapter by Pub. L. 102-325.

Another prior section 713 of Pub. L. 89-329 was classified to section 1132b-2 of this title, prior to the general amendment of this subchapter by Pub. L. 99-498.

A prior section 1135b-1, Pub. L. 89-329, title X, § 1022, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1561, which related to grant recipient selection, was renumbered section 352 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, § 301(a)(5), (7), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1067b of this title.

Another prior section 1135b-1, Pub. L. 89-329, title X, § 1052, as added Pub. L. 92-318, title I, § 186(a)(1), June 23, 1972, 86 Stat. 316, set forth allotment and reallocation requirements for funds appropriated for programs, prior to repeal by Pub. L. 94-482, title I, § 176(c), title II, § 204(c)(2), Oct. 12, 1976, 90 Stat. 2165, 2215, eff. Sept. 30, 1977, Oct. 1, 1977.

A prior section 1135b-2, Pub. L. 89-329, title X, § 1023, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1562, which related to use of funds, was renumbered section 353 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, § 301(a)(5), (7), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1067c of this title.

Another prior section 1135b-2, Pub. L. 89-329, title X, § 1053, as added Pub. L. 92-318, title I, § 186(a)(1), June 23, 1972, 86 Stat. 317, set forth requirements for administration of programs by Secretary, prior to repeal by Pub. L. 94-482, title I, § 176(c), title II, § 204(c)(2), Oct. 12, 1976, 90 Stat. 2165, 2215, eff. Sept. 30, 1977, Oct. 1, 1977.

A prior section 1135b-3, Pub. L. 89-329, title X, § 1024, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1562, and amended, which required multiagency study of minority science programs, was renumbered section 1024 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, § 301(a)(5), Oct. 7, 1998, 112 Stat. 1636, transferred to section 1067d of this title, and repealed by Pub. L. 111-39, title III, § 302, July 1, 2009, 123 Stat. 1938.

Another prior section 1135b-3 and prior sections 1135b-4 to 1135b-9 were repealed by Pub. L. 94-482, title I, § 176(c), title II, § 204(c)(2), Oct. 12, 1976, 90 Stat. 2165, 2215, eff. Sept. 30, 1977, Oct. 1, 1977.

Section 1135b-3, Pub. L. 89-329, title X, § 1054, as added Pub. L. 92-318, title I, § 186(a)(1), June 23, 1972, 86 Stat. 317, set forth responsibilities of Commissioner of Education in the administration of programs.

Section 1135b-4, Pub. L. 89-329, title X, § 1055, as added Pub. L. 92-318, title I, § 186(a)(1), June 23, 1972, 86 Stat. 318, set forth requirements for State participation and administration of programs.

Section 1135b-5, Pub. L. 89-329, title X, § 1056, as added Pub. L. 92-318, title I, § 186(a)(1), June 23, 1972, 86 Stat. 318, authorized planning grants for State occupational education programs and set forth criteria for State participation.

Section 1135b-6, Pub. L. 89-329, title X, § 1057, as added Pub. L. 92-318, title I, § 186(a)(1), June 23, 1972, 86 Stat. 319, authorized program grants for State occupational education programs and set forth criteria for State administration of grants.

Section 1135b-7, Pub. L. 89-329, title X, § 1058, as added Pub. L. 92-318, title I, § 186(a)(1), June 23, 1972, 86 Stat. 320, set forth prerequisites and procedures for program grants by Commissioner and provided for judicial review of actions of Commissioner.

Section 1135b-8, Pub. L. 89-329, title X, § 1059, as added Pub. L. 92-318, title I, § 186(a)(1), June 23, 1972, 86 Stat. 321, authorized technical assistance to the States by Commissioner and the establishment of model programs.

Section 1135b-9, Pub. L. 89-329, title X, § 1060, as added Pub. L. 92-318, title I, § 186(a)(1), June 23, 1972, 86 Stat. 322, defined the terms “State” and “postsecondary occupational education” for purposes of occupational education programs.

AMENDMENTS

2008—Subsec. (b)(5)(C). Pub. L. 110-315 inserted “at the institution” before semicolon at end.

§ 1135c. Awards to graduate students

(a) Commitments to graduate students

(1) In general

An academic department, program or unit of an institution of higher education shall make commitments to graduate students who are eligible students under section 1091 of this title (including students pursuing a doctoral degree after having completed a master’s degree program at an institution of higher education) at any point in their graduate study to provide stipends for the length of time necessary for a student to complete the course of graduate study, but in no case longer than 5 years.

(2) Special rule

No such commitments shall be made to students under this subpart unless the academic department, program or unit has determined adequate funds are available to fulfill the commitment from funds received or anticipated under this subpart, or from institutional funds.

(b) Amount of stipends

The Secretary shall make payments to institutions of higher education for the purpose of paying stipends to individuals who are awarded fellowships under this subpart. The stipends the Secretary establishes shall reflect the purpose of the program under this subpart to encourage highly talented students to undertake graduate study as described in this subpart. In the case of an individual who receives such individual’s first stipend under this subpart in academic year 2009–2010 or any succeeding academic year, such stipend shall be set at a level of support equal to that provided by the National Science Foundation Graduate Research Fellowship Program for such academic year, except such amount shall be adjusted as necessary so as not to exceed the fellow’s demonstrated level of need as determined under part E of subchapter IV of this chapter.

(c) Treatment of institutional payments

An institution of higher education that makes institutional payments for tuition and fees on behalf of individuals supported by fellowships under this subpart in amounts that exceed the institutional payments made by the Secretary pursuant to section 1135d(a) of this title may count such excess toward the amounts the institution is required to provide pursuant to section 1135b(b)(2) of this title.

(d) Academic progress required

Notwithstanding the provisions of subsection (a) of this section, no student shall receive an award—

(1) except during periods in which such student is maintaining satisfactory progress in,

and devoting essentially full time to, study or research in the field in which such fellowship was awarded; or

(2) if the student is engaging in gainful employment other than part-time employment involved in teaching, research, or similar activities determined by the institution to be in support of the student's progress towards a degree.

(Pub. L. 89-329, title VII, § 714, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1792; amended Pub. L. 110-315, title VII, § 703(b), (e)(4), Aug. 14, 2008, 122 Stat. 3346, 3347.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1134p of this title, prior to repeal by Pub. L. 105-244.

A prior section 1135c, Pub. L. 89-329, title X, § 1031, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1563, related to minority support in science and engineering programs, prior to repeal by Pub. L. 105-244, § 3, title VII, § 702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Another prior section 1135c, Pub. L. 89-329, title X, § 1021, formerly § 1071, as added Pub. L. 92-318, title I, § 186(a)(1), June 23, 1972, 86 Stat. 322, established Bureau of Occupational and Adult Education and set forth functions, personnel etc., of the Bureau, prior to repeal by Pub. L. 94-482, title II, § 204(c)(3), Oct. 12, 1976, 90 Stat. 2215, eff. Oct. 1, 1977. Subsequent to repeal, this prior section 1135c was renumbered section 1021 of Pub. L. 89-329 and amended by deleting "this title" by Pub. L. 96-374, title X, § 1001(b), Oct. 3, 1980, 94 Stat. 1491.

Another prior section 1135c, Pub. L. 89-329, title X, § 1004, as added Pub. L. 90-575, title II, § 271, Oct. 16, 1968, 82 Stat. 1048, provided for consultations respecting improvement of graduate programs, prior to the general amendment of subchapter X of this chapter by Pub. L. 92-318.

A prior section 714 of Pub. L. 89-329 was classified to section 1132b-3 of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

A prior section 1135c-1, Pub. L. 89-329, title X, § 1032, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1563, related to the special service projects program, prior to repeal by Pub. L. 105-244, § 3, title VII, § 702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Another prior section 1135c-1, Pub. L. 89-329, title X, § 1022, formerly § 1072, as added Pub. L. 92-318, title I, § 186(a)(1), June 23, 1972, 86 Stat. 323; amended Pub. L. 96-88, title III, § 301(b)(2), Oct. 17, 1979, 93 Stat. 678, renumbered and amended Pub. L. 96-374, title X, § 1001(b)(1), title XIII, § 1391(a)(1), Oct. 3, 1980, 94 Stat. 1491, 1503; Pub. L. 98-524, § 4(c)(3), Oct. 19, 1984, 98 Stat. 2488, established a Community College Unit in Department of Education, prior to the general amendment of part B of subchapter X of this chapter by Pub. L. 99-498.

A prior section 1135c-2, Pub. L. 89-329, title X, § 1033, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1563; amended Pub. L. 102-325, title X, § 1002(c), July 23, 1992, 106 Stat. 780, related to supportable activities, prior to repeal by Pub. L. 105-244, § 3, title VII, § 702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-315, § 703(b), substituted "2009-2010" for "1999-2000" and "Foundation Graduate Research Fellowship Program for such academic year" for "Foundation graduate fellowships".

Subsec. (c). Pub. L. 110-315, § 703(e)(4), made technical amendment to references in original act which appear in text as references to sections 1135d(a) and 1135b(b)(2) of this title.

§ 1135d. Additional assistance for cost of education

(a) Institutional payments

(1) In general

The Secretary shall (in addition to stipends paid to individuals under this subpart) pay to the institution of higher education, for each individual awarded a fellowship under this subpart at such institution, an institutional allowance. Except as provided in paragraph (2), such allowance shall be, for 2009-2010 and succeeding academic years, the same amount as the institutional payment made for 2008-2009 adjusted annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for the previous calendar year.

(2) Reduction

The institutional allowance paid under paragraph (1) shall be reduced by the amount the institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.

(b) Use for overhead prohibited

Funds made available pursuant to this subpart may not be used for the general operational overhead of the academic department or program.

(Pub. L. 89-329, title VII, § 715, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1793; amended Pub. L. 110-315, title VII, § 703(c), Aug. 14, 2008, 122 Stat. 3346.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1134q of this title, prior to repeal by Pub. L. 105-244.

A prior section 1135d, Pub. L. 89-329, title X, § 1041, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1564, which related to eligibility for grants, was renumbered section 361 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, § 301(a)(5), (7), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1067g of this title.

A prior section 715 of Pub. L. 89-329 was classified to section 1132b-4 of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

A prior section 1135d-1, Pub. L. 89-329, title X, § 1042, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1564, which related to grant applications, was renumbered section 362 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, § 301(a)(5), (7), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1067h of this title.

A prior section 1135d-2, Pub. L. 89-329, title X, § 1043, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1564, and amended, which related to cross program and cross agency cooperation, was renumbered section 363 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, § 301(a)(5), (7), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1067i of this title.

A prior section 1135d-3, Pub. L. 89-329, title X, § 1044, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1564, which contained administrative provisions, was renumbered section 364 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, § 301(a)(5), (7), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1067j of this title.

A prior section 1135d-4, Pub. L. 89-329, title X, § 1045, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1565, related to establishment of Advisory Board for the Minority Science and Engineering Improvement Programs, prior to repeal by Pub. L. 102-325, § 2, title X,

§1002(e), July 23, 1992, 106 Stat. 458, 780, effective Oct. 1, 1992.

A prior section 1135d-5, Pub. L. 89-329, title X, §1046, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1566, which defined terms, was renumbered section 365 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, §301(a)(5), (7), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1067k of this title.

A prior section 1135d-6, Pub. L. 89-329, title X, §1047, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1567; amended Pub. L. 100-418, title VI, §6221, Aug. 23, 1988, 102 Stat. 1518; Pub. L. 102-325, title X, §1002(f), July 23, 1992, 106 Stat. 780, which authorized appropriations, was renumbered section 366 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, §301(a)(5), (7), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1067l of this title, and repealed by section 301(a)(8) of Pub. L. 105-244.

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110-315 substituted “2009-2010” for “1999-2000” and “2008-2009” for “1998-1999”.

§ 1135e. Authorization of appropriations

There are authorized to be appropriated \$35,000,000 for fiscal year 2009 and each of the five succeeding fiscal years to carry out this subpart.

(Pub. L. 89-329, title VII, §716, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1794; amended Pub. L. 110-315, title VII, §703(d), Aug. 14, 2008, 122 Stat. 3347.)

PRIOR PROVISIONS

A prior section 1135e, Pub. L. 89-329, title X, §1061, as added Pub. L. 99-498, title X, §1003, Oct. 17, 1986, 100 Stat. 1567; amended Pub. L. 102-325, title X, §1003, July 23, 1992, 106 Stat. 781, stated purpose of women and minorities science and engineering outreach demonstration program, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

A prior section 716 of Pub. L. 89-329 was classified to section 1132b-5 of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Prior sections 1135e-1 to 1135g were repealed by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Section 1135e-1, Pub. L. 89-329, title X, §1062, as added Pub. L. 99-498, title X, §1003, Oct. 17, 1986, 100 Stat. 1567; amended Pub. L. 102-325, title X, §1003, July 23, 1992, 106 Stat. 781, authorized grants for programs to encourage female and minority elementary and secondary school students to pursue higher education for careers in science and engineering.

Section 1135e-2, Pub. L. 89-329, title X, §1063, as added Pub. L. 99-498, title X, §1003, Oct. 17, 1986, 100 Stat. 1567; amended Pub. L. 102-325, title X, §1003, July 23, 1992, 106 Stat. 781, defined “eligible institution” and related to availability of funds.

Section 1135e-3, Pub. L. 89-329, title X, §1064, as added Pub. L. 102-325, title X, §1003, July 23, 1992, 106 Stat. 782, related to amount, duration, and use of funds.

Section 1135e-4, Pub. L. 89-329, title X, §1065, as added Pub. L. 102-325, title X, §1003, July 23, 1992, 106 Stat. 782, related to applications for grants.

Section 1135e-5, Pub. L. 89-329, title X, §1066, as added Pub. L. 102-325, title X, §1003, July 23, 1992, 106 Stat. 782, related to evaluation of assisted activities.

Section 1135e-6, Pub. L. 89-329, title X, §1067, as added Pub. L. 102-325, title X, §1003, July 23, 1992, 106 Stat. 783, related to Federal share of costs.

Section 1135e-7, Pub. L. 89-329, title X, §1068, as added Pub. L. 102-325, title X, §1003, July 23, 1992, 106 Stat. 783, related to use of funds to supplement and not supplant other funds.

Section 1135e-8, Pub. L. 89-329, title X, §1069, as added Pub. L. 102-325, title X, §1003, July 23, 1992, 106 Stat. 783, authorized appropriations for women and minorities science and engineering outreach demonstration program.

Section 1135f, Pub. L. 89-329, title X, §1081, formerly §1181, as added Pub. L. 102-325, title X, §1004, July 23, 1992, 106 Stat. 783; renumbered §1081 and amended Pub. L. 103-208, §2(j)(44), (45), Dec. 20, 1993, 107 Stat. 2485, established Dwight D. Eisenhower Leadership Program and provided that part D of former subchapter X of this chapter could be cited as the “Dwight D. Eisenhower Leadership Development Act of 1992”.

Section 1135g, Pub. L. 89-329, title X, §1091, as added Pub. L. 103-382, title III, §360D, Oct. 20, 1994, 108 Stat. 3972, authorized grants to States for workplace and community transition training for incarcerated youth offenders.

AMENDMENTS

2008—Pub. L. 110-315 substituted “fiscal year 2009 and each of the five succeeding fiscal years to carry out this subpart” for “fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out this subpart”.

SUBPART 3—THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM

§ 1136. Legal educational opportunity program

(a) Program authority

The Secretary shall carry out a program to be known as the “Thurgood Marshall Legal Educational Opportunity Program” designed to provide low-income, minority, or disadvantaged secondary school and college students with the information, preparation, and financial assistance to gain access to and complete law school study and admission to law practice.

(b) Eligibility

A secondary school student or college student is eligible for assistance under this section if the student is—

- (1) from a low-income family;
- (2) a minority; or
- (3) from an economically or otherwise disadvantaged background.

(c) Contract or grant authorized

The Secretary is authorized to enter into a contract with, or make a grant to, the Council on Legal Education Opportunity, for a period of not less than 5 years—

- (1) to identify secondary school and college students who are from low-income families, are minorities, or are from disadvantaged backgrounds described in subsection (b)(3) of this section;
- (2) to prepare such students for successful completion of a baccalaureate degree and for study at accredited law schools, and to assist them with the development of analytical skills, writing skills, and study methods to enhance the students’ success in, and promote the students’ admission to and completion of, law school;
- (3) to assist such students to select the appropriate law school, make application for entry into law school, and receive financial assistance for such study;
- (4) to provide support services to such students who are first-year law students to improve retention and success in law school studies;

- (5) to motivate and prepare such students—
 - (A) with respect to law school studies and practice in low-income communities; and
 - (B) to provide legal services to low-income individuals and families; and

- (6) to award Thurgood Marshall Fellowships to eligible law school students—

- (A) who participated in summer institutes under subsection (d)(6) and who are enrolled in an accredited law school; or

- (B) who have successfully completed a comparable summer institute program that is certified by the Council on Legal Education Opportunity.

(d) Services provided

In carrying out the purposes described in subsection (c) of this section, the contract or grant shall provide for the delivery of services through pre-college programs, undergraduate prelaw information resource centers, summer institutes, midyear seminars, and other educational activities, conducted under this section. Such services may include—

- (1) information and counseling regarding—

- (A) accredited law school academic programs, especially tuition, fees, and admission requirements;

- (B) course work offered and required for law school graduation;

- (C) faculty specialties and areas of legal emphasis; and

- (D) pre-college and undergraduate preparatory courses in analytical and writing skills, study methods, and course selection;

- (2) summer academic programs for secondary school students who have expressed interest in a career in the law;

- (3) tutoring and academic counseling, including assistance in preparing for bar examinations;

- (4) prelaw mentoring programs, involving law school faculty, members of State and local bar associations, and retired and sitting judges, justices, and magistrates;

- (5) assistance in identifying preparatory courses and material for the law school aptitude or admissions tests;

- (6) summer institutes for Thurgood Marshall Fellows that expose the Fellows to a rigorous curriculum that emphasizes abstract thinking, legal analysis, research, writing, and examination techniques; and

- (7) midyear seminars and other educational activities that are designed to reinforce reading, writing, and studying skills of Thurgood Marshall Fellows and Associates.

(e) Duration of provision of services

The services described in subsection (d) of this section may be provided—

- (1) prior to the period of law school study, including before and during undergraduate study;

- (2) during the period of law school study; and

- (3) during the period following law school study and prior to taking a bar examination.

(f) Subcontracts and subgrants

For the purposes of planning, developing, or delivering one or more of the services described

in subsection (d) of this section, the Council on Legal Education Opportunity shall enter into subcontracts with, and make subgrants to, institutions of higher education, law schools, public and private agencies and organizations, national and State bar associations, and combinations of such institutions, schools, agencies, organizations, and associations.

(g) Fellowships and stipends

The Secretary shall annually establish the maximum fellowship to be awarded, and the maximum stipend to be paid (including allowances for participant travel and for the travel of the dependents of the participant), to Thurgood Marshall Fellows or Associates for the period of participation in summer institutes, midyear seminars, and bar preparation seminars. A Thurgood Marshall Fellow or Associate may be eligible for such a fellowship or stipend only if the Fellow or Associate maintains satisfactory academic progress toward the Juris Doctor or Bachelor of Laws degree, as determined by the respective institutions (except with respect to a law school graduate enrolled in a bar preparation course).

(h) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$5,000,000 for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VII, § 721, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1794; amended Pub. L. 110-315, title VII, § 704(a)-(h), Aug. 14, 2008, 122 Stat. 3347, 3348; Pub. L. 111-39, title VII, § 701(1), July 1, 2009, 123 Stat. 1954.)

PRIOR PROVISIONS

A prior section 1136, Pub. L. 89-329, title XI, § 1101, as added Pub. L. 102-325, title XI, § 1101, July 23, 1992, 106 Stat. 784, stated findings of Congress, prior to repeal by Pub. L. 105-244, § 3, title VII, § 702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Another prior section 1136, Pub. L. 89-329, title XI, § 1101, as added Pub. L. 99-498, title XI, § 1101, Oct. 17, 1986, 100 Stat. 1568, stated Congressional findings and purpose relating to partnerships for economic development, prior to the general amendment of subchapter XI of this chapter by Pub. L. 102-325.

Another prior section 1136, Pub. L. 89-329, title XI, § 1101, as added Pub. L. 96-374, title XI, § 1101, Oct. 3, 1980, 94 Stat. 1491, stated Congressional findings and declaration of purpose, prior to the general amendment of subchapter XI of this chapter by Pub. L. 99-498.

Another prior section 1136, Pub. L. 89-329, title XI, § 1101, as added Pub. L. 90-575, title II, § 281, Oct. 16, 1968, 82 Stat. 1048; amended Pub. L. 92-318, title I, § 191(a), (b), June 23, 1972, 86 Stat. 323, authorized a program for grants and contracts covering the establishment of a law school clinical experiences regimen, prior to the general amendment of subchapter XI of this chapter by Pub. L. 96-374.

A prior section 721 of Pub. L. 89-329 was renumbered section 341 and is classified to section 1066 of this title.

Another prior section 721 of Pub. L. 89-329 was classified to section 1132c of this title, prior to the general amendment of part A of this subchapter by Pub. L. 102-325.

Another prior section 721 of Pub. L. 89-329 was classified to section 1132c of this title, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 721 of Pub. L. 89-329 was classified to section 1132b of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

AMENDMENTS

2009—Subsec. (d). Pub. L. 111-39 substituted “services through pre-college programs, undergraduate prelaw

information resource centers” for “services through” and all that followed through “resource centers”, resulting in text identical to that after execution of the amendment by Pub. L. 110-315, §704(d)(1). See 2008 Amendment note below.

2008—Subsec. (a). Pub. L. 110-315, §704(a)(1), inserted “secondary school and” after “disadvantaged” and “and admission to law practice” before period at end.

Subsec. (b). Pub. L. 110-315, §704(b), inserted “secondary school student or” before “college student” in introductory provisions.

Subsec. (c)(1). Pub. L. 110-315, §704(c)(1), inserted “secondary school and” before “college students”.

Subsec. (c)(2). Pub. L. 110-315, §704(c)(2), added par. (2) and struck out former par. (2) which read as follows: “to prepare such students for study at accredited law schools;”.

Subsec. (c)(5), (6). Pub. L. 110-315, §704(c)(3), (4), added pars. (5) and (6) and struck out former par. (5) which read as follows: “to motivate and prepare such students with respect to law school studies and practice in low-income communities.”

Subsec. (d). Pub. L. 110-315, §704(d)(1), which directed insertion of “pre-college programs, undergraduate” before “pre-law”, was executed by making insertion before “prelaw” in introductory provisions, to reflect the probable intent of Congress.

Subsec. (d)(1)(B). Pub. L. 110-315, §704(d)(2)(A), inserted “law school” before “graduation”.

Subsec. (d)(1)(D). Pub. L. 110-315, §704(d)(2)(B), added subpar. (D) and struck out former subpar. (D) which read as follows: “undergraduate preparatory courses and curriculum selection;”.

Subsec. (d)(2) to (7). Pub. L. 110-315, §704(d)(3)–(5), added par. (2), redesignated former pars. (2) to (6) as (3) to (7), respectively, and in par. (7), inserted “and Associates” after “Thurgood Marshall Fellows”.

Subsec. (e)(1). Pub. L. 110-315, §704(e), inserted “, including before and during undergraduate study” before semicolon at end.

Subsec. (f). Pub. L. 110-315, §704(f), inserted “national and State bar associations,” after “private agencies and organizations,” and substituted “organizations, and associations” for “and organizations”.

Subsec. (g). Pub. L. 110-315, §704(g), amended subsec. (g) generally. Prior to amendment, text read as follows: “The Secretary shall annually establish the maximum stipend to be paid (including allowances for participant travel and for the travel of the dependents of the participant) to Thurgood Marshall Fellows for the period of participation in summer institutes and midyear seminars. A Fellow may be eligible for such a stipend only if the Thurgood Marshall Fellow maintains satisfactory academic progress toward the Juris Doctor or Bachelor of Laws degree, as determined by the respective institutions.”

Subsec. (h). Pub. L. 110-315, §704(h), substituted “fiscal year 2009 and each of the five succeeding fiscal years” for “fiscal year 1999 and each of the 4 succeeding fiscal years”.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

SUBPART 4—MASTERS DEGREE PROGRAMS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND PREDOMINANTLY BLACK INSTITUTIONS

PRIOR PROVISIONS

A prior subpart 4 consisting of section 1137 was redesignated subpart 5 by Pub. L. 110-315, title VII, §706(a)(1), Aug. 14, 2008, 122 Stat. 3349.

§ 1136a. Masters degree programs at historically Black colleges and universities

(a) Grant program authorized

(1) In general

Subject to the availability of funds appropriated to carry out this section, the Secretary shall award program grants to each of the institutions listed in subsection (b)(1) that is determined by the Secretary to be making a substantial contribution to graduate education opportunities at the masters level in mathematics, engineering, the physical or natural sciences, computer science, information technology, nursing, allied health, or other scientific disciplines for Black Americans.

(2) Assurance of non-Federal matching funds

No grant in excess of \$1,000,000 may be made under this section unless the institution provides assurances that 50 percent of the cost of the purposes for which the grant is made will be paid from non-Federal sources, except that no institution shall be required to match any portion of the first \$1,000,000 of the institution's award from the Secretary. After funds are made available to each eligible institution under the funding rules described in subsection (f), the Secretary shall distribute, on a pro rata basis, any amounts which were not so made available (by reason of the failure of an institution to comply with the matching requirements of this paragraph) among the institutions that have complied with such matching requirement.

(3) Minimum award

Subject to subsections (f) and (g), the amount awarded to each eligible institution listed in subsection (b)(1) for a fiscal year shall be not less than \$500,000.

(4) Duration of grants

A grant awarded under this section shall be for a period of not more than six years, but may be periodically renewed for a period to be determined by the Secretary.

(b) Institutional eligibility

(1) In general

Institutions eligible for grants under subsection (a) are the following:

- (A) Albany State University.
- (B) Alcorn State University.
- (C) Claflin University.
- (D) Coppin State University.
- (E) Elizabeth City State University.
- (F) Fayetteville State University.
- (G) Fisk University.
- (H) Fort Valley State University.
- (I) Grambling State University.
- (J) Kentucky State University.
- (K) Mississippi Valley State University.
- (L) Savannah State University.
- (M) South Carolina State University.
- (N) University of Arkansas, Pine Bluff.
- (O) Virginia State University.
- (P) West Virginia State University.
- (Q) Wilberforce University.
- (R) Winston-Salem State University.

(2) Qualified masters degree program**(A) In general**

For the purposes of this section, the term “qualified masters degree program” means a masters degree program that provides a program of instruction in mathematics, engineering, the physical or natural sciences, computer science, information technology, nursing, allied health, or other scientific disciplines in which African Americans are underrepresented and has students enrolled in such program of instruction at the time of application for a grant under this section.

(B) Enrollment exception

Notwithstanding the enrollment requirement contained in subparagraph (A), an institution may use an amount equal to not more than 10 percent of the institution's grant under this section for the development of a new qualified masters degree program.

(3) Institutional choice

The president or chancellor of the institution may decide which graduate school or qualified masters degree program will receive funds under the grant in any one fiscal year, if the allocation of funds among the schools or programs is delineated in the application for funds submitted to the Secretary under this section.

(4) One grant per institution

The Secretary shall not award more than one grant under this section in any fiscal year to any institution of higher education.

(c) Application

An eligible institution listed in subsection (b)(1) desiring a grant under this section shall submit an application at such time, in such manner, and containing such information as the Secretary may require. The application shall—

(1) demonstrate how the grant funds under this section will be used to improve graduate educational opportunities for Black and low-income students, and lead to greater financial independence; and

(2) provide, in the case of applications for grants in excess of \$1,000,000, the assurances required under subsection (a)(2) and specify the manner in which the eligible institution is going to pay the non-Federal share of the cost of the application.

(d) Uses of funds

A grant under this section may be used for—

(1) purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

(2) construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services;

(3) purchase of library books, periodicals, technical and other scientific journals, microfilm, microfiche, and other educational materials, including telecommunications program materials;

(4) scholarships, fellowships, and other financial assistance for needy graduate students

to permit the enrollment of the students in, and completion of, a masters degree in mathematics, engineering, the physical or natural sciences, computer science, information technology, nursing, allied health, or other scientific disciplines in which African Americans are underrepresented;

(5) establishing or improving a development office to strengthen and increase contributions from alumni and the private sector;

(6) assisting in the establishment or maintenance of an institutional endowment to facilitate financial independence pursuant to section 1065 of this title;

(7) funds and administrative management, and the acquisition of equipment, including software, for use in strengthening funds management and management information systems;

(8) acquisition of real property that is adjacent to the campus in connection with the construction, renovation, or improvement of, or an addition to, campus facilities;

(9) education or financial information designed to improve the financial literacy and economic literacy of students or the students' families, especially with regard to student indebtedness and student assistance programs under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42;

(10) tutoring, counseling, and student service programs designed to improve academic success;

(11) faculty professional development, faculty exchanges, and faculty participation in professional conferences and meetings; and

(12) other activities proposed in the application submitted under subsection (c) that—

(A) contribute to carrying out the purposes of this section; and

(B) are approved by the Secretary as part of the review and acceptance of such application.

(e) Interaction with other grant programs

No institution that is eligible for and receives an award under section 1063b, 1102a, or 1136b of this title for a fiscal year shall be eligible to apply for a grant, or receive grant funds, under this section for the same fiscal year.

(f) Funding rule

Subject to subsection (g), of the amount appropriated to carry out this section for any fiscal year—

(1) the first \$9,000,000 (or any lesser amount appropriated) shall be available only for the purposes of making minimum grants under subsection (a)(3) to eligible institutions listed in subparagraphs (A) through (R) of subsection (b)(1), except that if the amount appropriated is not sufficient to pay the minimum grant awards to all such eligible institutions, the amount of the minimum award to each such eligible institution shall be ratably reduced;

(2) after the application of paragraph (1), an amount shall be available for the purpose of making minimum grants under subsection (a)(3) to eligible institutions listed in subsection (b)(1) that do not receive a grant under paragraph (1), if any, except that if the amount appropriated is not sufficient to pay

the minimum grant awards to all such eligible institutions, the amount of the minimum award to each such eligible institution shall be ratably reduced; and

(3) any amount in excess of \$9,000,000 shall be made available to each of the eligible institutions identified in subparagraphs (A) through (R) of subsection (b)(1), pursuant to a formula developed by the Secretary that uses the following elements:

(A) The ability of the institution to match Federal funds with non-Federal funds.

(B) The number of students enrolled in the qualified masters degree program at the eligible institution in the previous academic year.

(C) The average cost of attendance per student, for all full-time students enrolled in the qualified masters degree program at such institution.

(D) The number of students in the previous year who received a degree in the qualified masters degree program at such institution.

(E) The contribution, on a percent basis, of the programs for which the institution is eligible to receive funds under this section to the total number of African Americans receiving masters degrees in the disciplines related to the programs for the previous year.

(g) Hold harmless rule

Notwithstanding paragraphs (2) and (3) of subsection (f), no eligible institution identified in subsection (b)(1) that receives a grant under this section for fiscal year 2009 and that is eligible to receive a grant for a subsequent fiscal year shall receive a grant amount for any such subsequent fiscal year that is less than the grant amount received for fiscal year 2009, unless—

(1) the amount appropriated is not sufficient to provide such grant amounts to all such institutions and programs that received grants under this section for such fiscal year and that are eligible to receive a grant in such subsequent fiscal year; or

(2) the institution cannot provide sufficient matching funds to meet the requirements of this section.

(Pub. L. 89-329, title VII, § 723, as added Pub. L. 110-315, title VII, § 706(b), Aug. 14, 2008, 122 Stat. 3349; amended Pub. L. 111-39, title VII, § 701(2), July 1, 2009, 123 Stat. 1954.)

PRIOR PROVISIONS

A prior section 1136a, Pub. L. 89-329, title XI, § 1102, as added Pub. L. 102-325, title XI, § 1101, July 23, 1992, 106 Stat. 785, stated purpose of and authorized program for urban community service assistance, prior to repeal by Pub. L. 105-244, § 3, title VII, § 702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Another prior section 1136a, Pub. L. 89-329, title XI, § 1102, as added Pub. L. 99-498, title XI, § 1101, Oct. 17, 1986, 100 Stat. 1568, related to use of economic development funds, prior to the general amendment of subchapter XI of this chapter by Pub. L. 102-325.

Another prior section 1136a, Pub. L. 89-329, title XI, § 1102, as added Pub. L. 96-374, title XI, § 1101, Oct. 3, 1980, 94 Stat. 1491, authorized appropriations for fiscal years 1981 to 1985 for urban grant university program, prior to the general amendment of subchapter XI of this chapter by Pub. L. 99-498.

Another prior section 1136a, Pub. L. 89-329, title XI, § 1102, as added Pub. L. 90-575, title II, § 281, Oct. 16, 1968,

82 Stat. 1048; amended Pub. L. 92-318, title I, § 191(a), June 23, 1972, 86 Stat. 323, related to required applications for participation in law school clinical experiences program, prior to the general amendment of subchapter XI of this chapter by Pub. L. 96-374.

A prior section 723 of Pub. L. 89-329 was renumbered section 343, and is classified to section 1066b of this title.

AMENDMENTS

2009—Subsec. (b)(1)(P). Pub. L. 111-39 substituted “State” for “Sate”.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

§ 1136b. Masters degree programs at predominantly Black institutions

(a) Grant program authorized

(1) In general

Subject to the availability of funds appropriated to carry out this section, the Secretary shall award program grants to each of the institutions listed in subsection (b)(1) that is determined by the Secretary to be making a substantial contribution to graduate education opportunities at the masters level in mathematics, engineering, the physical or natural sciences, computer science, information technology, nursing, allied health, or other scientific disciplines for Black Americans.

(2) Assurance of non-Federal matching funds

No grant in excess of \$1,000,000 may be made under this section unless the institution provides assurances that 50 percent of the cost of the purposes for which the grant is made will be paid from non-Federal sources, except that no institution shall be required to match any portion of the first \$1,000,000 of the institution's award from the Secretary. After funds are made available to each eligible institution under the funding rules described in subsection (f), the Secretary shall distribute, on a pro rata basis, any amounts which were not so made available (by reason of the failure of an institution to comply with the matching requirements of this paragraph) among the institutions that have complied with such matching requirement.

(3) Minimum award

Subject to subsections (f) and (g), the amount awarded to each eligible institution listed in subsection (b)(1) for a fiscal year shall be not less than \$500,000.

(4) Duration of grants

A grant awarded under this section shall be for a period of not more than six years, but may be periodically renewed for a period to be determined by the Secretary.

(b) Institutional eligibility

(1) In general

Institutions eligible for grants under subsection (a) are the following:

- (A) Chicago State University.
- (B) Columbia Union College.

(C) Long Island University, Brooklyn campus.

(D) Robert Morris College.

(E) York College, The City University of New York.

(2) Qualified masters degree program

(A) In general

For the purposes of this section, the term “qualified masters degree program” means a masters degree program that provides a program of instruction in mathematics, engineering, the physical or natural sciences, computer science, information technology, nursing, allied health, or other scientific disciplines in which African Americans are underrepresented and has students enrolled in such program of instruction at the time of application for a grant under this section.

(B) Enrollment exception

Notwithstanding the enrollment requirement contained in subparagraph (A), an institution may use an amount equal to not more than 10 percent of the institution’s grant under this section for the development of a new qualified masters degree program.

(3) Institutional choice

The president or chancellor of the institution may decide which graduate school or qualified masters degree program will receive funds under the grant in any one fiscal year, if the allocation of funds among the schools or programs is delineated in the application for funds submitted to the Secretary under this section.

(4) One grant per institution

The Secretary shall not award more than one grant under this section in any fiscal year to any institution of higher education.

(c) Application

An eligible institution listed in subsection (b)(1) desiring a grant under this section shall submit an application at such time, in such manner, and containing such information as the Secretary may require. The application shall—

(1) demonstrate how the grant funds under this section will be used to improve graduate educational opportunities for Black and low-income students and lead to greater financial independence; and

(2) provide, in the case of applications for grants in excess of \$1,000,000, the assurances required under subsection (a)(2) and specify the manner in which the eligible institution is going to pay the non-Federal share of the cost of the application.

(d) Uses of funds

A grant under this section may be used for—

(1) purchase, rental, or lease of scientific or laboratory equipment for educational purposes, including instructional and research purposes;

(2) construction, maintenance, renovation, and improvement in classroom, library, laboratory, and other instructional facilities, including purchase or rental of telecommunications technology equipment or services;

(3) purchase of library books, periodicals, technical and other scientific journals, micro-

film, microfiche, and other educational materials, including telecommunications program materials;

(4) scholarships, fellowships, and other financial assistance for needy graduate students to permit the enrollment of the students in, and completion of, a masters degree in mathematics, engineering, the physical or natural sciences, computer science, information technology, nursing, allied health, or other scientific disciplines in which African Americans are underrepresented;

(5) establishing or improving a development office to strengthen and increase contributions from alumni and the private sector;

(6) assisting in the establishment or maintenance of an institutional endowment to facilitate financial independence pursuant to section 1065 of this title;

(7) funds and administrative management, and the acquisition of equipment, including software, for use in strengthening funds management and management information systems;

(8) acquisition of real property that is adjacent to the campus in connection with the construction, renovation, or improvement of, or an addition to, campus facilities;

(9) education or financial information designed to improve the financial literacy and economic literacy of students or the students’ families, especially with regard to student indebtedness and student assistance programs under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42;

(10) tutoring, counseling, and student service programs designed to improve academic success;

(11) faculty professional development, faculty exchanges, and faculty participation in professional conferences and meetings; and

(12) other activities proposed in the application submitted under subsection (c) that—

(A) contribute to carrying out the purposes of this section; and

(B) are approved by the Secretary as part of the review and acceptance of such application.

(e) Interaction with other grant programs

No institution that is eligible for and receives an award under section 1063b, 1102a, or 1136a of this title for a fiscal year shall be eligible to apply for a grant, or receive grant funds, under this section for the same fiscal year.

(f) Funding rule

Subject to subsection (g), of the amount appropriated to carry out this section for any fiscal year—

(1) the first \$2,500,000 (or any lesser amount appropriated) shall be available only for the purposes of making minimum grants under subsection (a)(3) to eligible institutions listed in subparagraphs (A) through (E) of subsection (b)(1), except that if the amount appropriated is not sufficient to pay the minimum grant awards to all such eligible institutions, the amount of the minimum award to each such eligible institution shall be ratably reduced;

(2) after the application of paragraph (1), an amount shall be available for the purpose of

making minimum grants under subsection (a)(3) to eligible institutions described in subsection (b)(1) that do not receive a grant under paragraph (1), if any, except that if the amount appropriated is not sufficient to pay the minimum grant awards to all such eligible institutions, the amount of the minimum award to each such eligible institution shall be ratably reduced; and

(3) any amount in excess of \$2,500,000 shall be made available to each of the eligible institutions identified in subparagraphs (A) through (E) of subsection (b)(1), pursuant to a formula developed by the Secretary that uses the following elements:

(A) The ability of the institution to match Federal funds with non-Federal funds.

(B) The number of students enrolled in the qualified masters degree program at the eligible institution in the previous academic year.

(C) The average cost of attendance per student, for all full-time students enrolled in the qualified masters degree program at such institution.

(D) The number of students in the previous year who received a degree in the qualified masters degree program at such institution.

(E) The contribution, on a percent basis, of the programs for which the institution is eligible to receive funds under this section to the total number of African Americans receiving masters degrees in the disciplines related to the programs for the previous year.

(g) Hold harmless rule

Notwithstanding paragraphs (2) and (3) of subsection (f), no eligible institution identified in subsection (b)(1) that receives a grant under this section for fiscal year 2009 and that is eligible to receive a grant in a subsequent fiscal year shall receive a grant amount in any such subsequent fiscal year that is less than the grant amount received for fiscal year 2009, unless—

(1) the amount appropriated is not sufficient to provide such grant amounts to all such institutions and programs that received grants under this section for such fiscal year and that are eligible to receive a grant in such subsequent fiscal year; or

(2) the institution cannot provide sufficient matching funds to meet the requirements of this section.

(Pub. L. 89-329, title VII, § 724, as added Pub. L. 110-315, title VII, § 706(b), Aug. 14, 2008, 122 Stat. 3353.)

PRIOR PROVISIONS

A prior section 1136b, Pub. L. 89-329, title XI, § 1103, as added Pub. L. 102-325, title XI, § 1101, July 23, 1992, 106 Stat. 785, related to applications for urban community service grants, prior to repeal by Pub. L. 105-244, § 3, title VII, § 702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Another prior section 1136b, Pub. L. 89-329, title XI, § 1103, as added Pub. L. 99-498, title XI, § 1101, Oct. 17, 1986, 100 Stat. 1569, related to requirements for economic development grant applications, prior to the general amendment of subchapter XI of this chapter by Pub. L. 102-325.

Another prior section 1136b, Pub. L. 89-329, title XI, § 1103, as added Pub. L. 96-374, title XI, § 1101, Oct. 3,

1980, 94 Stat. 1492, authorized grants to urban universities, prior to the general amendment of subchapter XI of this chapter by Pub. L. 99-498.

Another prior section 1136b, Pub. L. 89-329, title XI, § 1103, as added Pub. L. 90-575, title II, § 281, Oct. 16, 1968, 82 Stat. 1049; amended Pub. L. 92-318, title I, § 191(c), June 23, 1972, 86 Stat. 323; Pub. L. 94-482, title I, § 172, Oct. 12, 1976, 90 Stat. 2164; Pub. L. 96-49, § 11, Aug. 13, 1979, 93 Stat. 354, authorized appropriations for the law school clinical experiences program, prior to the general amendment of subchapter XI of this chapter by Pub. L. 96-374.

A prior section 724 of Pub. L. 89-329 was renumbered section 344, and is classified to section 1066c of this title.

§ 1136c. Authorization of appropriations

(a) Masters degree programs at historically Black colleges and universities

There are authorized to be appropriated to carry out section 1136a of this title such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(b) Masters degree programs at predominantly Black institutions

There are authorized to be appropriated to carry out section 1136b of this title such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VII, § 725, as added Pub. L. 110-315, title VII, § 706(b), Aug. 14, 2008, 122 Stat. 3356.)

PRIOR PROVISIONS

A prior section 1136c, Pub. L. 89-329, title XI, § 1104, as added Pub. L. 102-325, title XI, § 1101, July 23, 1992, 106 Stat. 786, related to allowable activities, prior to repeal by Pub. L. 105-244, § 3, title VII, § 702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Another prior section 1136c, Pub. L. 89-329, title XI, § 1104, as added Pub. L. 96-374, title XI, § 1101, Oct. 3, 1980, 94 Stat. 1492, placed geographical limitations on assistance to urban universities, prior to the general amendment of subchapter XI of this chapter by Pub. L. 99-498.

A prior section 725 of Pub. L. 89-329 was renumbered section 345, and is classified to section 1066d of this title.

Prior sections 1136d to 1136h were repealed by Pub. L. 105-244, § 3, title VII, § 702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Section 1136d, Pub. L. 89-329, title XI, § 1105, as added Pub. L. 102-325, title XI, § 1101, July 23, 1992, 106 Stat. 786, related to peer review.

Another prior section 1136d, Pub. L. 89-329, title XI, § 1105, as added Pub. L. 96-374, title XI, § 1101, Oct. 3, 1980, 94 Stat. 1492, defined terms, prior to the general amendment of subchapter XI of this chapter by Pub. L. 99-498.

Section 1136e, Pub. L. 89-329, title XI, § 1106, as added Pub. L. 102-325, title XI, § 1101, July 23, 1992, 106 Stat. 786; amended Pub. L. 103-208, § 2(j)(46), Dec. 20, 1993, 107 Stat. 2485, related to disbursement of funds.

Section 1136f, Pub. L. 89-329, title XI, § 1107, as added Pub. L. 102-325, title XI, § 1101, July 23, 1992, 106 Stat. 787, related to designation of Urban Grant Institutions.

Section 1136g, Pub. L. 89-329, title XI, § 1108, as added Pub. L. 102-325, title XI, § 1101, July 23, 1992, 106 Stat. 787, defined terms “urban area” and “eligible institution”.

Section 1136h, Pub. L. 89-329, title XI, § 1109, as added Pub. L. 102-325, title XI, § 1101, July 23, 1992, 106 Stat. 787, authorized appropriations for urban community service program.

SUBPART 5—GENERAL PROVISIONS

CODIFICATION

Pub. L. 110-315, title VII, §706(a)(1), Aug. 14, 2008, 122 Stat. 3349, redesignated subpart 4 of this part as subpart 5.

§ 1137. Administrative provisions for subparts 1 through 4

(a) Coordinated administration

In carrying out the purpose described in section 1133(1) of this title, the Secretary shall provide for coordinated administration and regulation of graduate programs assisted under subparts 1 through 4 of this part with other Federal programs providing assistance for graduate education in order to minimize duplication and improve efficiency to ensure that the programs are carried out in a manner most compatible with academic practices and with the standard timetables for applications for, and notifications of acceptance to, graduate programs.

(b) Hiring authority

For purposes of carrying out subparts 1 through 4 of this part, the Secretary shall appoint, without regard to the provisions of title 5 that govern appointments in the competitive service, such administrative and technical employees, with the appropriate educational background, as shall be needed to assist in the administration of such parts¹. The employees shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(c) Use for religious purposes prohibited

No institutional payment or allowance under section 1134b(b) or 1135d(a) of this title shall be paid to a school or department of divinity as a result of the award of a fellowship under subpart 1 or 2 of this part, respectively, to an individual who is studying for a religious vocation.

(d) Evaluation

The Secretary shall evaluate the success of assistance provided to individuals under subpart 1, 2, 3, or 4 of this part with respect to graduating from their degree programs, and placement in faculty and professional positions.

(Pub. L. 89-329, title VII, §731, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1795; amended Pub. L. 110-315, title VII, §§704(i), 706(a)(2), (3), Aug. 14, 2008, 122 Stat. 3348, 3349.)

PRIOR PROVISIONS

A prior section 1137, Pub. L. 89-329, title XI, §1121, as added Pub. L. 102-325, title XI, §1101, July 23, 1992, 106 Stat. 788, related to purpose of innovative projects for community service program, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Another prior section 1137, Pub. L. 89-329, title XI, §1111, as added Pub. L. 99-498, title XI, §1101, Oct. 17, 1986, 100 Stat. 1570, related to the purpose of urban community service program, prior to the general amendment of subchapter XI of this chapter by Pub. L. 102-325.

A prior section 731 of Pub. L. 89-329 was classified to section 1132d of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

¹ So in original. Probably should be “subparts”.

Another prior section 731 of Pub. L. 89-329 was classified to section 1132d of this title, prior to the general amendment of part C of this subchapter by Pub. L. 102-325.

Another prior section 731 of Pub. L. 89-329 was classified to section 1132d of this title, prior to the general amendment of this subchapter by Pub. L. 99-498.

A prior section 1137a, Pub. L. 89-329, title XI, §1122, as added Pub. L. 102-325, title XI, §1101, July 23, 1992, 106 Stat. 788; amended Pub. L. 103-82, title I, §111(b)(4), Sept. 21, 1993, 107 Stat. 860, authorized program for innovative projects for community service, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Another prior section 1137a and prior section 1137b were omitted in the general amendment of subchapter XI of this chapter by Pub. L. 102-325.

Section 1137a, Pub. L. 89-329, title XI, §1112, as added Pub. L. 99-498, title XI, §1101, Oct. 17, 1986, 100 Stat. 1570, related to use of urban community service funds.

Section 1137b, Pub. L. 89-329, title XI, §1113, as added Pub. L. 99-498, title XI, §1101, Oct. 17, 1986, 100 Stat. 1570, related to contents for applications for urban community services projects.

AMENDMENTS

2008—Pub. L. 110-315, §706(a)(2), substituted “subparts 1 through 4” for “subparts 1, 2, and 3” in section catchline.

Subsecs. (a), (b). Pub. L. 110-315, §706(a)(3)(A), substituted “subparts 1 through 4” for “subparts 1, 2, and 3”.

Subsec. (d). Pub. L. 110-315, §706(a)(3)(B), substituted “subpart 1, 2, 3, or 4” for “subpart 1, 2, or 3”.

Subsec. (e). Pub. L. 110-315, §704(i), struck out subsec. (e). Prior to amendment, text read as follows: “The Secretary, using funds appropriated to carry out subparts 1 and 2 of this part, and before awarding any assistance under such parts to a recipient that did not receive assistance under part C or D of title IX (as such parts were in effect prior to October 7, 1998) shall continue to provide funding to recipients of assistance under such part C or D (as so in effect), as the case may be, pursuant to any multiyear award of such assistance.”

PART B—FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

§ 1138. Fund for the Improvement of Postsecondary Education

(a) Authority

The Secretary is authorized to make grants to, or enter into contracts with, institutions of higher education, combinations of such institutions, and other public and private nonprofit institutions and agencies, to enable such institutions, combinations, and agencies to improve postsecondary education opportunities by—

(1) the encouragement of reform and improvement of, and innovation in, postsecondary education and the provision of educational opportunity for all students, including non-traditional students;

(2) the creation of institutions, programs, and joint efforts involving paths to career and professional training, including—

(A) efforts that provide academic credit for programs; and

(B) combinations of academic and experiential learning;

(3) the establishment and continuation of institutions, programs, consortia, collaborations, and other joint efforts based on communications technology, including those efforts

that utilize distance education and technological advancements to educate and train postsecondary students (including health professionals serving medically underserved populations);

(4) the carrying out, in postsecondary educational institutions, of changes in internal structure and operations designed to clarify institutional priorities and purposes;

(5) the design and introduction of cost-effective methods of instruction and operation;

(6) the introduction of institutional reforms designed to expand individual opportunities for entering and reentering postsecondary institutions and pursuing programs of postsecondary study tailored to individual needs;

(7) the introduction of reforms in graduate education, in the structure of academic professions, and in the recruitment and retention of faculties;

(8) the creation of new institutions and programs for examining and awarding credentials to individuals, and the introduction of reforms in current institutional practices related thereto;

(9) the introduction of reforms in remedial education, including English language instruction, to customize remedial courses to student goals and help students progress rapidly from remedial courses into core courses and through postsecondary program completion;

(10) the provision of support and assistance to partnerships between institutions of higher education and secondary schools with a significant population of students identified as late-entering limited English proficient students, to establish programs that—

(A) result in increased secondary school graduation rates of limited English proficient students; and

(B) increase the number of participating late-entering limited English proficient students who pursue postsecondary education;

(11) the creation of consortia that join diverse institutions of higher education to design and offer curricular and cocurricular interdisciplinary programs at the undergraduate and graduate levels, sustained for not less than a 5 year period, that—

(A) focus on poverty and human capability; and

(B) include—

(i) a service-learning component; and

(ii) the delivery of educational services through informational resource centers, summer institutes, midyear seminars, and other educational activities that stress the effects of poverty and how poverty can be alleviated through different career paths;

(12) the provision of support and assistance for demonstration projects to provide comprehensive support services to ensure that homeless students, or students who were in foster care or were a ward of the court at any time before the age of 13, enroll and succeed in postsecondary education, including providing housing to such students during periods when housing at the institution of higher education is closed or generally unavailable to other students; and

(13) the support of efforts to work with institutions of higher education, and nonprofit organizations, that seek to promote cultural diversity in the entertainment media industry, including through the training of students in production, marketing, and distribution of culturally relevant content.

(b) Planning grants

The Secretary is authorized to make planning grants to institutions of higher education for the development and testing of innovative techniques in postsecondary education. Such grants shall not exceed \$20,000.

(c) Center for best practices to support single parent students

(1) Program authorized

The Secretary is authorized to award one grant or contract to an institution of higher education to enable such institution to establish and maintain a center to study and develop best practices for institutions of higher education to support single parents who are also students attending such institutions.

(2) Institution requirements

The Secretary shall award the grant or contract under this subsection to a four-year institution of higher education that has demonstrated expertise in the development of programs to assist single parents who are students at institutions of higher education, as shown by the institution's development of a variety of targeted services to such students, including on-campus housing, child care, counseling, advising, internship opportunities, financial aid, and financial aid counseling and assistance.

(3) Center activities

The center funded under this section shall—

(A) assist institutions implementing innovative programs that support single parents pursuing higher education;

(B) study and develop an evaluation protocol for such programs that includes quantitative and qualitative methodologies;

(C) provide appropriate technical assistance regarding the replication, evaluation, and continuous improvement of such programs; and

(D) develop and disseminate best practices for such programs.

(d) Prohibition

(1) In general

No funds made available under this part shall be used to provide direct financial assistance in the form of grants or scholarships to students who do not meet the requirements of section 1091(a) of this title.

(2) Rule of construction

Nothing in this subsection shall be construed to prevent a student who does not meet the requirements of section 1091(a) of this title from participating in programs funded under this part.

(e) Priority

In making grants under this part to any institution of higher education after August 14, 2008,

the Secretary may give priority to institutions that meet or exceed the most current version of ASHRAE/IES Standard 90.1 (as such term is used in section 6313(a)(6) of title 42) for any new facilities construction or major renovation of the institution after such date, except that this subsection shall not apply with respect to barns or greenhouses or similar structures owned by the institution.

(f) Scholarship program for family members of veterans or members of the military

(1) Authorization

The Secretary shall enter into a contract with a nonprofit organization with demonstrated success in carrying out the activities described in this subsection to carry out a program to provide postsecondary education scholarships for eligible students.

(2) Definition of eligible student

In this subsection, the term “eligible student” means an individual who is enrolled as a full-time or part-time student at an institution of higher education (as defined in section 1002 of this title) and is—

(A) a dependent student who is a child of—

(i) an individual who is—

(I) serving on active duty during a war or other military operation or national emergency (as defined in section 1088 of this title); or

(II) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 1088 of this title); or

(ii) a veteran who—

(I) served or performed, as described in clause (i), since September 11, 2001; and

(II) died, or has been disabled, as a result of such service or performance; or

(B) an independent student who—

(i) is a spouse of an individual who is—

(I) serving on active duty during a war or other military operation or national emergency (as defined in section 1088 of this title); or

(II) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 1088 of this title);

(ii) was (at the time of death of the veteran) a spouse of a veteran who—

(I) served or performed, as described in clause (i), since September 11, 2001; and

(II) died as a result of such service or performance; or

(iii) is a spouse of a veteran who—

(I) served or performed, as described in clause (i), since September 11, 2001; and

(II) has been disabled as a result of such service or performance.

(3) Awarding of scholarships

Scholarships awarded under this subsection shall be awarded based on need with priority given to eligible students who are eligible to receive Federal Pell Grants under subpart 1 of part A of subchapter IV.

(4) Maximum scholarship amount

The maximum scholarship amount awarded to an eligible student under this subsection for

an award year shall be the lesser of \$5,000, or the student's cost of attendance (as defined in section 10877 of this title).

(5) Amounts for scholarships

All of the amounts appropriated to carry out this subsection for a fiscal year shall be used for scholarships awarded under this subsection, except that the nonprofit organization receiving a contract under this subsection may use not more than one percent of such amounts for the administrative costs of the contract.

(Pub. L. 89-329, title VII, §741, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1796; amended Pub. L. 110-315, title VII, §707(a)–(e), Aug. 14, 2008, 122 Stat. 3356–3358.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1135 of this title, prior to repeal by Pub. L. 105-244.

A prior section 1138, Pub. L. 89-329, title XI, §1141, as added Pub. L. 102-325, title XI, §1101, July 23, 1992, 106 Stat. 788, related to purpose to assist development of student literacy corps and student mentoring corps programs, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Another prior section 1138, Pub. L. 89-329, title XI, §1121, as added Pub. L. 99-498, title XI, §1101, Oct. 17, 1986, 100 Stat. 1571, related to administrative provisions, prior to the general amendment of subchapter XI of this chapter by Pub. L. 102-325.

A prior section 741 of Pub. L. 89-329 was classified to section 1132e of this title, prior to repeal by Pub. L. 102-325.

Another prior section 741 of Pub. L. 89-329 was classified to section 1132e of this title, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 741 of Pub. L. 89-329 was classified to section 1132c of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

AMENDMENTS

2008—Subsec. (a)(1) to (3). Pub. L. 110-315, §707(a)(1), added pars. (1) to (3) and struck out former pars. (1) to (3) which read as follows:

“(1) encouraging the reform, innovation, and improvement of postsecondary education, and providing equal educational opportunity for all;

“(2) the creation of institutions, programs, and joint efforts involving paths to career and professional training, and combinations of academic and experiential learning;

“(3) the establishment of institutions and programs based on the technology of communications;”

Subsec. (a)(6). Pub. L. 110-315, §707(a)(2), added par. (6) and struck out former par. (6) which read as follows: “the introduction of institutional reforms designed to expand individual opportunities for entering and reentering institutions and pursuing programs of study tailored to individual needs;”.

Subsec. (a)(9) to (13). Pub. L. 110-315, §707(a)(3)–(5), added pars. (9) to (13).

Subsec. (c). Pub. L. 110-315, §707(b), added subsec. (c).

Subsec. (d). Pub. L. 110-315, §707(c), added subsec. (d).

Subsec. (e). Pub. L. 110-315, §707(d), added subsec. (e).

Subsec. (f). Pub. L. 110-315, §707(e), added subsec. (f).

§ 1138a. National Board of the Fund for the Improvement of Postsecondary Education

(a) Establishment

There is established a National Board of the Fund for the Improvement of Postsecondary Education (in this part referred to as the

“Board”). The Board shall consist of 15 members appointed by the Secretary for overlapping 3-year terms. A majority of the Board shall constitute a quorum. Any member of the Board who has served for 6 consecutive years shall thereafter be ineligible for appointment to the Board during a 2-year period following the expiration of such sixth year.

(b) Membership

The Secretary shall designate one of the members of the Board as Chairperson of the Board. A majority of the members of the Board shall be public interest representatives, including students, and a minority shall be educational representatives. All members selected shall be individuals able to contribute an important perspective on priorities for improvement in postsecondary education and strategies of educational and institutional change.

(c) Duties

The Board shall—

(1) advise the Secretary on priorities for the improvement of postsecondary education and make such recommendations as the Board may deem appropriate for the improvement of postsecondary education and for the evaluation, dissemination, and adaptation of demonstrated improvements in postsecondary educational practice;

(2) advise the Secretary on the operation of the Fund for the Improvement of Postsecondary Education, including advice on planning documents, guidelines, and procedures for grant competitions prepared by the Fund; and

(3) meet at the call of the Chairperson, except that the Board shall meet whenever one-third or more of the members request in writing that a meeting be held.

(d) Information and assistance

The Secretary shall make available to the Board such information and assistance as may be necessary to enable the Board to carry out its functions.

(Pub. L. 89-329, title VII, § 742, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1797; amended Pub. L. 110-315, title VII, § 707(h)(1), Aug. 14, 2008, 122 Stat. 3360.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1135a of this title, prior to repeal by Pub. L. 105-244.

A prior section 1138a, Pub. L. 89-329, title XI, § 1142, as added Pub. L. 102-325, title XI, § 1101, July 23, 1992, 106 Stat. 789; amended Pub. L. 103-208, § 2(j)(47), Dec. 20, 1993, 107 Stat. 2485, authorized grants for student literacy corps and student mentoring corps programs, prior to repeal by Pub. L. 105-244, § 3, title VII, § 702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Another prior section 1138a, Pub. L. 89-329, title XI, § 1122, as added Pub. L. 99-498, title XI, § 1101, Oct. 17, 1986, 100 Stat. 1571, authorized appropriations to carry out parts A and B of subchapter XI of this chapter, prior to the general amendment of such subchapter by Pub. L. 102-325.

A prior section 742 of Pub. L. 89-329 was classified to section 1132e-1 of this title, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 742 of Pub. L. 89-329 was classified to section 1132c-1 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-315, § 707(h)(1)(A), struck out par. (1) designation before “The Secretary shall designate” and struck out par. (2). Prior to amendment, text of par. (2) read as follows: “The Secretary shall appoint the Director of the Fund for the Improvement of Postsecondary Education (hereafter in this part referred to as the ‘Director’).”

Subsec. (c)(1), (2). Pub. L. 110-315, § 707(h)(1)(B), struck out “and the Director” after “Secretary”.

Subsec. (d). Pub. L. 110-315, § 707(h)(1)(C), substituted “Secretary” for “Director”.

§ 1138b. Administrative provisions

The Secretary may appoint, for terms not to exceed 3 years, without regard to the provisions of title 5 governing appointments in the competitive service, not more than 7 technical employees to administer this part who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(Pub. L. 89-329, title VII, § 743, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1797; amended Pub. L. 110-315, title VII, § 707(h)(2), Aug. 14, 2008, 122 Stat. 3360.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1135a-1 of this title, prior to repeal by Pub. L. 105-244.

A prior section 1138b, Pub. L. 89-329, title XI, § 1143, as added Pub. L. 102-325, title XI, § 1101, July 23, 1992, 106 Stat. 789, related to use of funds, prior to repeal by Pub. L. 105-244, § 3, title VII, § 702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Another prior section 1138b, Pub. L. 89-329, title XI, § 1123, as added Pub. L. 99-498, title XI, § 1101, Oct. 17, 1986, 100 Stat. 1571, defined terms, prior to the general amendment of subchapter XI of this chapter by Pub. L. 102-325.

A prior section 743 of Pub. L. 89-329 was classified to section 1132c-2 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

AMENDMENTS

2008—Pub. L. 110-315 struck out subsec. (a) designation and heading before “The Secretary may appoint,” and struck out subsec. (b). Prior to amendment, text of subsec. (b) read as follows: “The Director shall establish procedures for reviewing and evaluating grants and contracts made or entered into under this part. Procedures for reviewing grant applications or contracts for financial assistance under this section may not be subject to any review outside of officials responsible for the administration of the Fund for the Improvement of Postsecondary Education.”

§ 1138c. Special projects

(a) Grant authority

The Secretary is authorized to make grants to institutions of higher education, or consortia thereof, and such other public agencies and non-profit organizations as the Secretary deems necessary for innovative projects concerning one or more areas of particular national need identified by the Secretary.

(b) Application

No grant shall be made under this part unless an application is made at such time, in such manner, and contains or is accompanied by such information as the Secretary may require.

(c) Areas of national need

Areas of national need shall include, at a minimum, the following:

(1) Institutional restructuring to improve learning and promote productivity, efficiency, quality improvement, and cost reduction.

(2) Improvements in academic instruction and student learning, including efforts designed to assess the learning gains made by postsecondary students.

(3) Articulation between two- and four-year institutions of higher education, including developing innovative methods for ensuring the successful transfer of students from two- to four-year institutions of higher education.

(4) Development, evaluation, and dissemination of model courses, including model courses that—

(A) provide students with a broad and integrated knowledge base;

(B) include, at a minimum, broad survey courses in English literature, American and world history, American political institutions, economics, philosophy, college-level mathematics, and the natural sciences; and

(C) include study of a foreign language that leads to reading and writing competency in the foreign language.

(5) International cooperation and student exchanges among postsecondary educational institutions.

(6) Support of centers to incorporate education in quality and safety into the preparation of medical and nursing students, through grants to medical schools, nursing schools, and osteopathic schools. Such grants shall be used to assist in providing courses of instruction that specifically equip students to—

(A) understand the causes of, and remedies for, medical error, medically induced patient injuries and complications, and other defects in medical care;

(B) engage effectively in personal and systemic efforts to continually reduce medical harm; and

(C) improve patient care and outcomes, as recommended by the Institute of Medicine of the National Academies.

(Pub. L. 89-329, title VII, §744, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1798; amended Pub. L. 110-315, title VII, §707(f), (h)(3), Aug. 14, 2008, 122 Stat. 3359, 3361; Pub. L. 111-39, title VII, §701(3), July 1, 2009, 123 Stat. 1954.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1135a-11 of this title, prior to repeal by Pub. L. 105-244.

A prior section 1138c, Pub. L. 89-329, title XI, §1144, as added Pub. L. 102-325, title XI, §1101, July 23, 1992, 106 Stat. 789; amended Pub. L. 103-382, title III, §391(e)(10), Oct. 20, 1994, 108 Stat. 4023, related to applications for grants, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

A prior section 744 of Pub. L. 89-329 was classified to section 1132c-3 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

AMENDMENTS

2009—Subsec. (c)(6)(C). Pub. L. 111-39 inserted “of the National Academies” after “Institute of Medicine”.

2008—Subsec. (a). Pub. L. 110-315, §707(h)(3), substituted “Secretary” for “Director” wherever appearing.

Subsec. (c). Pub. L. 110-315, §707(f), amended subsec. (c) generally. Prior to amendment, text read as follows: “Areas of national need shall initially include, but shall not be limited to, the following:

“(1) Institutional restructuring to improve learning and promote productivity, efficiency, quality improvement, and cost and price control.

“(2) Articulation between 2- and 4-year institutions of higher education, including developing innovative methods for ensuring the successful transfer of students from 2- to 4-year institutions of higher education.

“(3) Evaluation and dissemination of model programs.

“(4) International cooperation and student exchange among postsecondary educational institutions.”

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

§ 1138d. Authorization of appropriations

There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VII, §745, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1798; amended Pub. L. 110-315, title VII, §707(g), Aug. 14, 2008, 122 Stat. 3360.)

PRIOR PROVISIONS

A prior section 1138d, Pub. L. 89-329, title XI, §1145, as added Pub. L. 102-325, title XI, §1101, July 23, 1992, 106 Stat. 791, related to technical assistance and coordination contract, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

A prior section 745 of Pub. L. 89-329 was classified to section 1132c-4 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 1138e, Pub. L. 89-329, title XI, §1146, as added Pub. L. 102-325, title XI, §1101, July 23, 1992, 106 Stat. 791, defined terms “institution of higher education” and “public community agency”, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

AMENDMENTS

2008—Pub. L. 110-315 substituted “such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years” for “\$30,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years”.

PART C—URBAN COMMUNITY SERVICE**§§ 1139 to 1139h. Repealed. Pub. L. 110-315, title VII, § 708, Aug. 14, 2008, 122 Stat. 3361**

Section 1139, Pub. L. 89-329, title VII, §751, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1798, set out Congressional findings.

A prior section 1139, Pub. L. 89-329, title XI, §1151, as added Pub. L. 102-325, title XI, §1101, July 23, 1992, 106 Stat. 792, authorized appropriations for the innovative projects for community service program, student literacy corps program, and student mentoring corps program, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Another prior section 1139, Pub. L. 89-329, title XI, §1131, as added Pub. L. 99-498, title XI, §1101, Oct. 17, 1986, 100 Stat. 1572, stated purpose of providing assistance to establish Robert F. Wagner, Sr., Institute of Urban Public Policy, prior to the general amendment of subchapter XI of this chapter by Pub. L. 102-325.

Section 1139a, Pub. L. 89-329, title VII, §752, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1799, related to the purpose of this part and program authorization.

A prior section 1139a, Pub. L. 89-329, title XI, §1132, as added Pub. L. 99-498, title XI, §1101, Oct. 17, 1986, 100 Stat. 1572, related to application for and use of funds, prior to the general amendment of subchapter XI of this chapter by Pub. L. 102-325.

Section 1139b, Pub. L. 89-329, title VII, §753, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1799, related to application for urban community service grants.

A prior section 1139b, Pub. L. 89-329, title XI, §1133, as added Pub. L. 99-498, title XI, §1101, Oct. 17, 1986, 100 Stat. 1573, authorized appropriations, prior to the general amendment of subchapter XI of this chapter by Pub. L. 102-325.

Section 1139c, Pub. L. 89-329, title VII, §754, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1799, set out allowable activities.

Section 1139d, Pub. L. 89-329, title VII, §755, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1800, related to peer review.

Section 1139e, Pub. L. 89-329, title VII, §756, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1800, related to disbursement of funds.

Section 1139f, Pub. L. 89-329, title VII, §757, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1800, related to designation of "Urban Grant Institutions".

Section 1139g, Pub. L. 89-329, title VII, §758, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1801, set out definitions.

Section 1139h, Pub. L. 89-329, title VII, §759, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1801, authorized appropriations for fiscal year 1999 and each of the 4 succeeding fiscal years to carry out this part.

PART D—PROGRAMS TO PROVIDE STUDENTS WITH DISABILITIES WITH A QUALITY HIGHER EDUCATION

PRIOR PROVISIONS

A prior part D consisted of sections 1140 to 1140d and related to demonstration projects to ensure that students with disabilities receive a quality higher education, prior to repeal by Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3361.

§ 1140. Definitions

In this part:

(1) Comprehensive transition and postsecondary program for students with intellectual disabilities

The term "comprehensive transition and postsecondary program for students with intellectual disabilities" means a degree, certificate, or nondegree program that meets each of the following:

(A) Is offered by an institution of higher education.

(B) Is designed to support students with intellectual disabilities who are seeking to continue academic, career and technical, and independent living instruction at an institution of higher education in order to prepare for gainful employment.

(C) Includes an advising and curriculum structure.

(D) Requires students with intellectual disabilities to participate on not less than a half-time basis as determined by the institution, with such participation focusing on academic components, and occurring through 1 or more of the following activities:

(i) Regular enrollment in credit-bearing courses with nondisabled students offered by the institution.

(ii) Auditing or participating in courses with nondisabled students offered by the institution for which the student does not receive regular academic credit.

(iii) Enrollment in noncredit-bearing, nondegree courses with nondisabled students.

(iv) Participation in internships or work-based training in settings with nondisabled individuals.

(E) Requires students with intellectual disabilities to be socially and academically integrated with non-disabled students to the maximum extent possible.

(2) Student with an intellectual disability

The term "student with an intellectual disability" means a student—

(A) with a cognitive impairment, characterized by significant limitations in—

(i) intellectual and cognitive functioning; and

(ii) adaptive behavior as expressed in conceptual, social, and practical adaptive skills; and

(B) who is currently, or was formerly, eligible for a free appropriate public education under the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.].

(Pub. L. 89-329, title VII, §760, as added Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3361; amended Pub. L. 111-39, title VII, §701(4), July 1, 2009, 123 Stat. 1954; Pub. L. 111-256, §2(a), Oct. 5, 2010, 124 Stat. 2643.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in par. (2)(B), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

PRIOR PROVISIONS

A prior section 1140, Pub. L. 89-329, title VII, §761, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1801, stated the purpose of former part D, prior to repeal by Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3361.

AMENDMENTS

2010—Par. (2)(A). Pub. L. 111-256 struck out "mental retardation or" before "a cognitive impairment".

2009—Par. (1). Pub. L. 111-39 added par. (1) and struck out former par. (1) which contained provisions substantially similar to new subpars. (A) to (D), defining "comprehensive transition and postsecondary program for students with intellectual disabilities".

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14,

2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

DEFINITIONS

For meaning of references to an intellectual disability and to individuals with intellectual disabilities in provisions amended by section 2 of Pub. L. 111-256, see section 2(k) of Pub. L. 111-256, set out as a note under section 1400 of this title.

SUBPART 1—DEMONSTRATION PROJECTS TO SUPPORT POSTSECONDARY FACULTY, STAFF, AND ADMINISTRATORS IN EDUCATING STUDENTS WITH DISABILITIES

§ 1140a. Purpose

It is the purpose of this subpart to support model demonstration projects to provide technical assistance or professional development for postsecondary faculty, staff, and administrators in institutions of higher education to enable such faculty, staff, and administrators to provide students with disabilities with a quality postsecondary education.

(Pub. L. 89-329, title VII, § 761, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3362.)

PRIOR PROVISIONS

A prior section 1140a, Pub. L. 89-329, title VII, § 762, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1801, related to authorization of competitive grants, prior to repeal by Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3361.

A prior section 761 of Pub. L. 89-329 was classified to section 1140 of this title, prior to repeal by Pub. L. 110-315.

Another prior section 761 of Pub. L. 89-329 was classified to section 1132g of this title, prior to repeal by Pub. L. 102-325.

Another prior section 761 of Pub. L. 89-329 was classified to section 1132d of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

§ 1140b. Grants, contracts, and cooperative agreements authorized

(a) Competitive grants, contracts, and cooperative agreements authorized

(1) In general

From amounts appropriated under section 1140e of this title, the Secretary may award grants, contracts, and cooperative agreements, on a competitive basis, to institutions of higher education to enable the institutions to carry out the activities under subsection (b).

(2) Awards for professional development and technical assistance

Not less than two grants, contracts, cooperative agreements, or a combination of such awards shall be awarded to institutions of higher education that provide professional development and technical assistance in order for students with learning disabilities to receive a quality postsecondary education.

(b) Duration; activities

(1) Duration

A grant, contract, or cooperative agreement under this subpart shall be awarded for a period of three years.

(2) Authorized activities

A grant, contract, or cooperative agreement awarded under this subpart shall be used to carry out one or more of the following activities:

(A) Teaching methods and strategies

The development of innovative, effective, and efficient teaching methods and strategies, consistent with the principles of universal design for learning, to provide postsecondary faculty, staff, and administrators with the skills and supports necessary to teach and meet the academic and programmatic needs of students with disabilities, in order to improve the retention of such students in, and the completion by such students of, postsecondary education. Such methods and strategies may include in-service training, professional development, customized and general technical assistance, workshops, summer institutes, distance learning, and training in the use of assistive and educational technology.

(B) Effective transition practices

The development of innovative and effective teaching methods and strategies to provide postsecondary faculty, staff, and administrators with the skill and supports necessary to ensure the successful and smooth transition of students with disabilities from secondary school to postsecondary education.

(C) Synthesizing research and information

The synthesis of research and other information related to the provision of postsecondary educational services to students with disabilities, including data on the impact of a postsecondary education on subsequent employment of students with disabilities. Such research, information, and data shall be made publicly available and accessible.

(D) Distance learning

The development of innovative and effective teaching methods and strategies to provide postsecondary faculty, staff, and administrators with the ability to provide accessible distance education programs or classes that would enhance the access of students with disabilities to postsecondary education, including the use of accessible curricula and electronic communication for instruction and advising.

(E) Disability career pathways

(i) In general

The provision of information, training, and technical assistance to secondary and postsecondary faculty, staff, and administrators with respect to disability-related fields that would enable such faculty, staff, and administrators to—

(I) encourage interest and participation in such fields, among students with disabilities and other students;

(II) enhance awareness and understanding of such fields among students with disabilities and other students;

(III) provide educational opportunities in such fields for students with disabilities and other students;

(IV) teach practical skills related to such fields to students with disabilities and other students; and

(V) offer work-based opportunities in such fields to students with disabilities and other students.

(ii) Development

The training and support described in subclauses (I) through (V) of clause (i) may include offering students—

(I) credit-bearing postsecondary-level coursework; and

(II) career and educational counseling.

(F) Professional development and training sessions

The conduct of professional development and training sessions for postsecondary faculty, staff, and administrators from other institutions of higher education to enable such individuals to meet the educational needs of students with disabilities.

(G) Accessibility of education

Making postsecondary education more accessible to students with disabilities through curriculum development, consistent with the principles of universal design for learning.

(3) Mandatory evaluation and dissemination

An institution of higher education awarded a grant, contract, or cooperative agreement under this subpart shall evaluate and disseminate to other institutions of higher education, the information obtained through the activities described in subparagraphs (A) through (G) of paragraph (2).

(c) Considerations in making awards

In awarding grants, contracts, or cooperative agreements under this subpart, the Secretary shall consider the following:

(1) Geographic distribution

Providing an equitable geographic distribution of such awards.

(2) Rural and urban areas

Distributing such awards to urban and rural areas.

(3) Range and type of institution

Ensuring that the activities to be assisted are developed for a range of types and sizes of institutions of higher education.

(4) Prior experience or exceptional programs

Distributing the awards to institutions of higher education with demonstrated prior experience in, or exceptional programs for, meeting the postsecondary educational needs of students with disabilities.

(d) Reports

(1) Initial report

Not later than one year after August 14, 2008, the Secretary shall prepare and submit to the authorizing committees, and make available to the public, a report on all demonstration

projects awarded grants under this part for any of fiscal years 1999 through 2008, including a review of the activities and program performance of such demonstration projects based on existing information as of the date of the report.

(2) Subsequent report

Not later than three years after the date of the first award of a grant under this subpart after August 14, 2008, the Secretary shall prepare and submit to the authorizing committees, and make available to the public, a report that—

(A) reviews the activities and program performance of the demonstration projects authorized under this subpart; and

(B) provides guidance and recommendations on how effective projects can be replicated.

(Pub. L. 89-329, title VII, § 762, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3362.)

PRIOR PROVISIONS

A prior section 1140b, Pub. L. 89-329, title VII, § 763, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1802, related to applications, prior to repeal by Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3361.

A prior section 762 of Pub. L. 89-329 was classified to section 1140a of this title, prior to repeal by Pub. L. 110-315.

Another prior section 762 of Pub. L. 89-329 was classified to section 1132g-1 of this title, prior to repeal by Pub. L. 102-325.

Another prior section 762 of Pub. L. 89-329 was classified to section 1132d-1 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

§ 1140c. Applications

Each institution of higher education desiring to receive a grant, contract, or cooperative agreement under this subpart shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall include—

(1) a description of the activities authorized under this subpart that the institution proposes to carry out, and how such institution plans to conduct such activities in order to further the purpose of this subpart;

(2) a description of how the institution consulted with a broad range of people within the institution to develop activities for which assistance is sought;

(3) a description of how the institution will coordinate and collaborate with the office that provides services to students with disabilities within the institution; and

(4) a description of the extent to which the institution will work to replicate the research-based and best practices of institutions of higher education with demonstrated effectiveness in serving students with disabilities.

(Pub. L. 89-329, title VII, § 763, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3364.)

PRIOR PROVISIONS

A prior section 1140c, Pub. L. 89-329, title VII, § 764, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112

Stat. 1803, established a rule of construction, prior to repeal by Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3361.

A prior section 763 of Pub. L. 89-329 was classified to section 1140b of this title, prior to repeal by Pub. L. 110-315.

Another prior section 763 of Pub. L. 89-329 was classified to section 1132g-2 of this title, prior to repeal by Pub. L. 102-325.

Another prior section 763 of Pub. L. 89-329 was classified to section 1132d-2 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

§ 1140d. Rule of construction

Nothing in this subpart shall be construed to impose any additional duty, obligation, or responsibility on an institution of higher education or on the institution's faculty, administrators, or staff than is required under section 794 of title 29 and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(Pub. L. 89-329, title VII, §764, as added Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3365.)

REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in text, is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 1140d, Pub. L. 89-329, title VII, §765, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1803, authorized appropriations, prior to repeal by Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3361.

A prior section 764 of Pub. L. 89-329 was classified to section 1140c of this title, prior to repeal by Pub. L. 110-315.

Another prior section 764 of Pub. L. 89-329 was classified to section 1132g-3 of this title, prior to repeal by Pub. L. 102-325.

Another prior section 764 of Pub. L. 89-329 was classified to section 1132d-3 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

§ 1140e. Authorization of appropriations

There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VII, §765, as added Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3365.)

PRIOR PROVISIONS

A prior section 765 of Pub. L. 89-329 was classified to section 1140d of this title, prior to repeal by Pub. L. 110-315.

Another prior section 765 of Pub. L. 89-329 was classified to section 1132d-4 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

SUBPART 2—TRANSITION PROGRAMS FOR STUDENTS WITH INTELLECTUAL DISABILITIES INTO HIGHER EDUCATION

§ 1140f. Purpose

It is the purpose of this subpart to support model demonstration programs that promote

the successful transition of students with intellectual disabilities into higher education.

(Pub. L. 89-329, title VII, §766, as added Pub. L. 110-315, title VII, §709(2), Aug. 14, 2008, 122 Stat. 3365.)

PRIOR PROVISIONS

A prior section 766 of Pub. L. 89-329 was classified to section 1132d-5 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

§ 1140g. Model comprehensive transition and postsecondary programs for students with intellectual disabilities

(a) Grants authorized

(1) In general

From amounts appropriated under section 1140i(a) of this title, the Secretary shall annually award grants, on a competitive basis, to institutions of higher education (or consortia of institutions of higher education), to enable the institutions or consortia to create or expand high quality, inclusive model comprehensive transition and postsecondary programs for students with intellectual disabilities.

(2) Administration

The program under this section shall be administered by the office in the Department that administers other postsecondary education programs.

(3) Duration of grants

A grant under this section shall be awarded for a period of 5 years.

(b) Application

An institution of higher education (or a consortium) desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(c) Award basis

In awarding grants under this section, the Secretary shall—

(1) provide for an equitable geographic distribution of such grants;

(2) provide grant funds for model comprehensive transition and postsecondary programs for students with intellectual disabilities that will serve areas that are underserved by programs of this type; and

(3) give preference to applications submitted under subsection (b) that agree to incorporate into the model comprehensive transition and postsecondary program for students with intellectual disabilities carried out under the grant one or more of the following elements:

(A) The formation of a partnership with any relevant agency serving students with intellectual disabilities, such as a vocational rehabilitation agency.

(B) In the case of an institution of higher education that provides institutionally owned or operated housing for students attending the institution, the integration of students with intellectual disabilities into the housing offered to nondisabled students.

(C) The involvement of students attending the institution of higher education who are

studying special education, general education, vocational rehabilitation, assistive technology, or related fields in the model program.

(d) Use of funds

An institution of higher education (or consortium) receiving a grant under this section shall use the grant funds to establish a model comprehensive transition and postsecondary program for students with intellectual disabilities that—

(1) serves students with intellectual disabilities;

(2) provides individual supports and services for the academic and social inclusion of students with intellectual disabilities in academic courses, extracurricular activities, and other aspects of the institution of higher education's regular postsecondary program;

(3) with respect to the students with intellectual disabilities participating in the model program, provides a focus on—

(A) academic enrichment;

(B) socialization;

(C) independent living skills, including self-advocacy skills; and

(D) integrated work experiences and career skills that lead to gainful employment;

(4) integrates person-centered planning in the development of the course of study for each student with an intellectual disability participating in the model program;

(5) participates with the coordinating center established under section 1140q(b) of this title in the evaluation of the model program;

(6) partners with one or more local educational agencies to support students with intellectual disabilities participating in the model program who are still eligible for special education and related services under the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.], including the use of funds available under part B of such Act [20 U.S.C. 1411 et seq.] to support the participation of such students in the model program;

(7) plans for the sustainability of the model program after the end of the grant period; and

(8) creates and offers a meaningful credential for students with intellectual disabilities upon the completion of the model program.

(e) Matching requirement

An institution of higher education (or consortium) that receives a grant under this section shall provide matching funds toward the cost of the model comprehensive transition and postsecondary program for students with intellectual disabilities carried out under the grant. Such matching funds may be provided in cash or in-kind, and shall be in an amount of not less than 25 percent of the amount of such costs.

(f) Report

Not later than five years after the date of the first grant awarded under this section, the Secretary shall prepare and disseminate a report to the authorizing committees and to the public that—

(1) reviews the activities of the model comprehensive transition and postsecondary programs for students with intellectual disabilities funded under this section; and

(2) provides guidance and recommendations on how effective model programs can be replicated.

(Pub. L. 89-329, title VII, § 767, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3365.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (d)(6), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, which is classified generally to chapter 33 (§1400 et seq.) of this title. Part B of the Act is classified generally to subchapter II (§1411 et seq.) of chapter 33 of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

§ 1140h. Rule of construction

Nothing in this subpart shall be construed to reduce or expand—

(1) the obligation of a State or local educational agency to provide a free appropriate public education, as defined in section 1401 of this title; or

(2) eligibility requirements under any Federal, State, or local disability law, including the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), or the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.).

(Pub. L. 89-329, title VII, § 768, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3367.)

REFERENCES IN TEXT

The Americans with Disabilities Act of 1990, referred to in par. (2), is Pub. L. 101-336, July 26, 1990, 104 Stat. 327, which is classified principally to chapter 126 (§12101 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

The Rehabilitation Act of 1973, referred to in par. (2), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, which is classified generally to chapter 16 (§701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

The Developmental Disabilities Assistance and Bill of Rights Act of 2000, referred to in par. (2), is Pub. L. 106-402, Oct. 30, 2000, 114 Stat. 1677, which is classified principally to chapter 144 (§15001 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 15001 of Title 42 and Tables.

§ 1140i. Authorization of appropriations and reservation

(a) Authorization of appropriations

There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(b) Reservation of funds

For any fiscal year for which appropriations are made for this subpart, the Secretary shall reserve funds to enter into a cooperative agreement to establish the coordinating center under section 1140q(b) of this title, in an amount that is—

(1) not less than \$240,000 for any year in which the amount appropriated to carry out this subpart is \$8,000,000 or less; or

(2) equal to 3 percent of the amount appropriated to carry out this subpart for any year in which such amount appropriated is greater than \$8,000,000.

(Pub. L. 89-329, title VII, § 769, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3367.)

SUBPART 3—COMMISSION ON ACCESSIBLE MATERIALS; PROGRAMS TO SUPPORT IMPROVED ACCESS TO MATERIALS

§ 1140k. Definition of student with a print disability

In this subpart, the term “student with a print disability” means a student with a disability who experiences barriers to accessing instructional material in nonspecialized formats, including an individual described in section 121(d)(2) of title 17.

(Pub. L. 89-329, title VII, § 771, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3367.)

PRIOR PROVISIONS

A prior section 771 of Pub. L. 89-329 was renumbered section 781, and is classified to section 1141 of this title.

Another prior section 771 of Pub. L. 89-329 was classified to section 1132h of this title, prior to repeal by Pub. L. 102-325.

Another prior section 771 of Pub. L. 89-329 was classified to section 1132d-11 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

§ 1140l. Establishment of Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities

(a) Establishment

(1) In general

The Secretary shall establish a commission to be known as the Advisory Commission on Accessible Instructional Materials in Postsecondary Education for Students with Disabilities (in this section referred to as the “Commission”).

(2) Membership

(A) Total number of members

The Commission shall include not more than 19 members, who shall be appointed by the Secretary in accordance with subparagraphs (B) and (C).

(B) Members of the Commission

The Commission members shall include one representative from each of the following categories:

- (i) The Office of Postsecondary Education of the Department.
- (ii) The Office of Special Education and Rehabilitative Services of the Department.
- (iii) The Office for Civil Rights of the Department.
- (iv) The Library of Congress National Digital Information and Infrastructure Preservation Program Copyright Working Group.
- (v) The Association on Higher Education and Disability.

(vi) The Association of American Publishers.

(vii) The Association of American University Presses.

(viii) The National Council on Disability.

(ix) Recording for the Blind and Dyslexic.

(x) National organizations representing individuals with visual impairments.

(xi) National organizations representing individuals with learning disabilities.

(C) Additional members of the Commission

The Commission members shall include two representatives from each of the following categories:

(i) Staff from institutions of higher education with demonstrated experience teaching or supporting students with print disabilities, including representatives from both two-year and four-year institutions of higher education of different sizes.

(ii) Producers of accessible materials, publishing software, and supporting technologies in specialized formats, such as Braille, audio or synthesized speech, and digital media.

(iii) Individuals with visual impairments, including not less than one currently enrolled postsecondary student.

(iv) Individuals with dyslexia or other learning disabilities related to reading, including not less than one currently enrolled postsecondary student.

(D) Timing

The Secretary shall appoint the members of the Commission not later than 60 days after the Commission is established under paragraph (1).

(3) Chairperson and vice chairperson

The Commission shall select a chairperson and vice chairperson from among the members of the Commission.

(4) Meetings

(A) In general

The Commission shall meet at the call of the Chairperson.

(B) First meeting

Not later than 60 days after the appointment of the members of the Commission under paragraph (2)(D), the Commission shall hold the Commission’s first meeting.

(5) Quorum

A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(b) Duties of the Commission

(1) Study

(A) In general

The Commission shall conduct a comprehensive study to—

- (i) assess the barriers and systemic issues that may affect, and technical solutions available that may improve, the timely delivery and quality of accessible instructional materials for postsecondary

students with print disabilities, as well as the effective use of such materials by faculty and staff; and

(ii) make recommendations related to the development of a comprehensive approach to improve the opportunities for postsecondary students with print disabilities to access instructional materials in specialized formats in a timeframe comparable to the availability of instructional materials for postsecondary nondisabled students.

(B) Existing information

To the extent practicable, in carrying out the study under this paragraph, the Commission shall identify and use existing research, recommendations, and information.

(C) Recommendations

(i) In general

The Commission shall develop recommendations—

(I) to inform Federal regulations and legislation;

(II) to support the model demonstration programs authorized under section 1140m of this title;

(III) to identify best practices in systems for collecting, maintaining, processing, and disseminating materials in specialized formats to students with print disabilities at costs comparable to instructional materials for postsecondary nondisabled students;

(IV) to improve the effective use of such materials by faculty and staff, while complying with applicable copyright law; and

(V) to modify the definitions of instructional materials, authorized entities, and eligible students, as such terms are used in applicable Federal law, for the purpose of improving services to students with disabilities.

(ii) Considerations

In developing the recommendations under clause (i), the Commission shall consider—

(I) how students with print disabilities may obtain instructional materials in accessible formats—

(aa) within a timeframe comparable to the availability of instructional materials for nondisabled students; and

(bb) to the maximum extent practicable, at costs comparable to the costs of such materials for nondisabled students;

(II) the feasibility and technical parameters of establishing standardized electronic file formats, such as the National Instructional Materials Accessibility Standard as defined in section 1474(e)(3) of this title, to be provided by publishers of instructional materials to producers of materials in specialized formats, institutions of higher education, and eligible students;

(III) the feasibility of establishing a national clearinghouse, repository, or

file-sharing network for electronic files in specialized formats and files used in producing instructional materials in specialized formats, and a list of possible entities qualified to administer such clearinghouse, repository, or network;

(IV) the feasibility of establishing market-based solutions involving collaborations among publishers of instructional materials, producers of materials in specialized formats, and institutions of higher education;

(V) solutions utilizing universal design; and

(VI) solutions for low-incidence, high-cost requests for instructional materials in specialized formats.

(2) Report

Not later than one year after the Commission's first meeting, the Commission shall submit a report to the Secretary and the authorizing committees detailing the findings and recommendations of the study conducted under paragraph (1).

(3) Dissemination of information

In carrying out the study under paragraph (1), the Commission shall disseminate information concerning the issues that are the subject of the study through—

(A) the National Technical Assistance Center established under subpart 4; and

(B) other means, as determined by the Commission.

(c) Termination of the Commission

The Commission shall terminate on the date that is 90 days after the date on which the Commission submits the report under subsection (b)(2) to the Secretary and the authorizing committees.

(Pub. L. 89-329, title VII, § 772, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3368; amended Pub. L. 111-39, title VII, § 701(5), July 1, 2009, 123 Stat. 1955.)

PRIOR PROVISIONS

A prior section 772 of Pub. L. 89-329 was classified to section 1132h-1 of this title, prior to repeal by Pub. L. 102-325.

AMENDMENTS

2009—Subsec. (a)(2)(A). Pub. L. 111-39, § 701(5)(A), substituted “with” for “with in”.

Subsec. (b)(1)(C)(ii). Pub. L. 111-39, § 701(5)(B), substituted “clause (i)” for “subparagraph (C)” in introductory provisions.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

§ 1140m. Model demonstration programs to support improved access to postsecondary instructional materials for students with print disabilities

(a) Purpose

It is the purpose of this section to support model demonstration programs for the purpose

of encouraging the development of systems to improve the quality of postsecondary instructional materials in specialized formats and such materials' timely delivery to postsecondary students with print disabilities, including systems to improve efficiency and reduce duplicative efforts across multiple institutions of higher education.

(b) Definition of eligible partnership

In this section, the term “eligible partnership” means a partnership that—

(1) shall include—

(A) an institution of higher education with demonstrated expertise in meeting the needs of students with print disabilities, including the retention of such students in, and such students' completion of, postsecondary education; and

(B) a public or private entity, other than an institution of higher education, with—

(i) demonstrated expertise in developing accessible instructional materials in specialized formats for postsecondary students with print disabilities; and

(ii) the technical development expertise necessary for the efficient dissemination of such materials, including procedures to protect against copyright infringement with respect to the creation, use, and distribution of instructional materials in specialized formats; and

(2) may include representatives of the publishing industry.

(c) Program authorized

From amounts appropriated under section 1140o of this title, the Secretary shall award grants or contracts, on a competitive basis, to not less than one eligible partnership to enable the eligible partnership to support the activities described in subsection (f) and, as applicable, subsection (g).

(d) Application

An eligible partnership that desires a grant or contract under this section shall submit an application at such time, in such manner, and in such format as the Secretary may prescribe. The application shall include information on how the eligible partnership will implement activities under subsection (f) and, as applicable, subsection (g).

(e) Priority

In awarding grants or contracts under this section, the Secretary shall give priority to any applications that include the development and implementation of the procedures and approaches described in paragraphs (2) and (3) of subsection (g).

(f) Required activities

An eligible partnership that receives a grant or contract under this section shall use the grant or contract funds to carry out the following:

(1) Supporting the development and implementation of the following:

(A) Processes and systems to help identify, and verify eligibility of, postsecondary students with print disabilities in need of instructional materials in specialized formats.

(B) Procedures and systems to facilitate and simplify request methods for accessible instructional materials in specialized formats from eligible students described in subparagraph (A), which may include a single point-of-entry system.

(C) Procedures and systems to coordinate among institutions of higher education, publishers of instructional materials, and entities that produce materials in specialized formats, to efficiently facilitate—

(i) requests for such materials;

(ii) the responses to such requests; and

(iii) the delivery of such materials.

(D) Delivery systems that will ensure the timely provision of instructional materials in specialized formats to eligible students, which may include electronic file distribution.

(E) Systems to reduce duplicative conversions and improve sharing of the same instructional materials in specialized formats for multiple eligible students at multiple institutions of higher education.

(F) Procedures to protect against copyright infringement with respect to the development, use, and distribution of instructional materials in specialized formats while maintaining accessibility for eligible students, which may include digital technologies such as watermarking, fingerprinting, and other emerging approaches.

(G) Awareness, outreach, and training activities for faculty, staff, and students related to the acquisition and dissemination of instructional materials in specialized formats and instructional materials utilizing universal design.

(2) Providing recommendations on how effective procedures and systems described in paragraph (1) may be disseminated and implemented on a national basis.

(g) Authorized approaches

An eligible partnership that receives a grant or contract under this section may use the grant or contract funds to support the development and implementation of the following:

(1) Approaches for the provision of instructional materials in specialized formats limited to instructional materials used in smaller categories of postsecondary courses, such as introductory, first-, and second-year courses.

(2) Approaches supporting a unified search for instructional materials in specialized formats across multiple databases or lists of available materials.

(3) Market-based approaches for making instructional materials in specialized formats directly available to eligible students at prices comparable to standard instructional materials.

(h) Report

Not later than three years after the date of the first grant or contract awarded under this section, the Secretary shall submit to the authorizing committees a report that includes—

(1) the number of grants and contracts and the amount of funds distributed under this section;

(2) a summary of the purposes for which the grants and contracts were provided and an evaluation of the progress made under such grants and contracts;

(3) a summary of the activities implemented under subsection (f) and, as applicable, subsection (g), including data on the number of postsecondary students with print disabilities served and the number of instructional material requests executed and delivered in specialized formats; and

(4) an evaluation of the effectiveness of programs funded under this section.

(i) Model expansion

The Secretary may, on the basis of the reports under subsection (h) and section 1140l(b)(2) of this title and any evaluations of the projects funded under this section, expand the program under this section to additional grant or contract recipients that use other programmatic approaches and serve different geographic regions, if the Secretary finds that the models used under this section—

(1) are effective in improving the timely delivery and quality of materials in specialized formats; and

(2) provide adequate protections against copyright infringement.

(Pub. L. 89-329, title VII, § 773, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3371.)

PRIOR PROVISIONS

A prior section 773 of Pub. L. 89-329 was classified to section 1132h-2 of this title, prior to repeal by Pub. L. 102-325.

§ 1140n. Rule of construction

Nothing in this subpart shall be construed to limit or preempt any State law requiring the production or distribution of postsecondary instructional materials in accessible formats to students with disabilities.

(Pub. L. 89-329, title VII, § 774, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3373.)

PRIOR PROVISIONS

A prior section 774 of Pub. L. 89-329 was classified to section 1132h-3 of this title, prior to repeal by Pub. L. 102-325.

§ 1140o. Authorization of appropriations

(a) In general

There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(b) Priority

For the first fiscal year for which funds are made available under this section, the Secretary shall give priority to allocating funding for the purposes of section 1140l of this title.

(Pub. L. 89-329, title VII, § 775, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3373.)

PRIOR PROVISIONS

A prior section 775 of Pub. L. 89-329 was classified to section 1132h-4 of this title, prior to repeal by Pub. L. 102-325.

SUBPART 4—NATIONAL TECHNICAL ASSISTANCE CENTER; COORDINATING CENTER

§ 1140p. Purpose

It is the purpose of this subpart to provide technical assistance and information on best and promising practices to students with disabilities, the families of students with disabilities, and entities awarded grants, contracts, or cooperative agreements under subpart 1, 2, or 3 to improve the postsecondary recruitment, transition, retention, and completion rates of students with disabilities.

(Pub. L. 89-329, title VII, § 776, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3373.)

PRIOR PROVISIONS

A prior section 776 of Pub. L. 89-329 was classified to section 1132h-5 of this title, prior to repeal by Pub. L. 102-325.

§ 1140q. National technical assistance center; coordinating center

(a) National Center

(1) In general

From amounts appropriated under section 1140r of this title, the Secretary shall award a grant to, or enter into a contract or cooperative agreement with, an eligible entity to provide for the establishment and support of a National Center for Information and Technical Support for Postsecondary Students with Disabilities (in this subsection referred to as the “National Center”). The National Center shall carry out the duties set forth in paragraph (4).

(2) Administration

The program under this section shall be administered by the office in the Department that administers other postsecondary education programs.

(3) Eligible entity

In this subpart, the term “eligible entity” means an institution of higher education, a nonprofit organization, or partnership of two or more such institutions or organizations, with demonstrated expertise in—

(A) supporting students with disabilities in postsecondary education;

(B) technical knowledge necessary for the dissemination of information in accessible formats;

(C) working with diverse types of institutions of higher education, including community colleges; and

(D) the subjects supported by the grants, contracts, or cooperative agreements authorized in subparts 1, 2, and 3.

(4) Duties

The duties of the National Center shall include the following:

(A) Assistance to students and families

The National Center shall provide information and technical assistance to students with disabilities and the families of students with disabilities to support students across the broad spectrum of disabilities, including—

(i) information to assist individuals with disabilities who are prospective students of an institution of higher education in planning for postsecondary education while the students are in secondary school;

(ii) information and technical assistance provided to individualized education program teams (as defined in section 1414(d)(1) of this title) for secondary school students with disabilities, and to early outreach and student services programs, including programs authorized under subparts 2, 4, and 5 of part A of subchapter IV, to support students across a broad spectrum of disabilities with the successful transition to postsecondary education;

(iii) research-based supports, services, and accommodations which are available in postsecondary settings, including services provided by other agencies such as vocational rehabilitation;

(iv) information on student mentoring and networking opportunities for students with disabilities; and

(v) effective recruitment and transition programs at postsecondary educational institutions.

(B) Assistance to institutions of higher education

The National Center shall provide information and technical assistance to faculty, staff, and administrators of institutions of higher education to improve the services provided to, the accommodations for, the retention rates of, and the completion rates of, students with disabilities in higher education settings, which may include—

(i) collection and dissemination of best and promising practices and materials for accommodating and supporting students with disabilities, including practices and materials supported by the grants, contracts, or cooperative agreements authorized under subparts 1, 2, and 3;

(ii) development and provision of training modules for higher education faculty on exemplary practices for accommodating and supporting postsecondary students with disabilities across a range of academic fields, which may include universal design for learning and practices supported by the grants, contracts, or cooperative agreements authorized under subparts 1, 2, and 3; and

(iii) development of technology-based tutorials for higher education faculty and staff, including new faculty and graduate students, on best and promising practices related to support and retention of students with disabilities in postsecondary education.

(C) Information collection and dissemination

The National Center shall be responsible for building, maintaining, and updating a database of disability support services information with respect to institutions of higher education, or for expanding and updating an existing database of disabilities support services information with respect to institutions of higher education. Such database

shall be available to the general public through a website built to high technical standards of accessibility practicable for the broad spectrum of individuals with disabilities. Such database and website shall include available information on—

(i) disability documentation requirements;

(ii) support services available;

(iii) links to financial aid;

(iv) accommodations policies;

(v) accessible instructional materials;

(vi) other topics relevant to students with disabilities; and

(vii) the information in the report described in subparagraph (E).

(D) Disability support services

The National Center shall work with organizations and individuals with proven expertise related to disability support services for postsecondary students with disabilities to evaluate, improve, and disseminate information related to the delivery of high quality disability support services at institutions of higher education.

(E) Review and report

Not later than three years after the establishment of the National Center, and every two years thereafter, the National Center shall prepare and disseminate a report to the Secretary and the authorizing committees analyzing the condition of postsecondary success for students with disabilities. Such report shall include—

(i) a review of the activities and the effectiveness of the programs authorized under this part;

(ii) annual enrollment and graduation rates of students with disabilities in institutions of higher education from publicly reported data;

(iii) recommendations for effective postsecondary supports and services for students with disabilities, and how such supports and services may be widely implemented at institutions of higher education;

(iv) recommendations on reducing barriers to full participation for students with disabilities in higher education; and

(v) a description of strategies with a demonstrated record of effectiveness in improving the success of such students in postsecondary education.

(F) Staffing of the Center

In hiring employees of the National Center, the National Center shall consider the expertise and experience of prospective employees in providing training and technical assistance to practitioners.

(b) Coordinating center

(1) Definition of eligible entity

In this subsection, the term “eligible entity” means an entity, or a partnership of entities, that has demonstrated expertise in the fields of—

(A) higher education;

(B) the education of students with intellectual disabilities;

- (C) the development of comprehensive transition and postsecondary programs for students with intellectual disabilities; and
- (D) evaluation and technical assistance.

(2) In general

From amounts appropriated under section 1140r of this title, the Secretary shall enter into a cooperative agreement, on a competitive basis, with an eligible entity for the purpose of establishing a coordinating center for institutions of higher education that offer inclusive comprehensive transition and postsecondary programs for students with intellectual disabilities, including institutions participating in grants authorized under subpart 2, to provide—

- (A) recommendations related to the development of standards for such programs;
- (B) technical assistance for such programs; and
- (C) evaluations for such programs.

(3) Administration

The program under this subsection shall be administered by the office in the Department that administers other postsecondary education programs.

(4) Duration

The Secretary shall enter into a cooperative agreement under this subsection for a period of five years.

(5) Requirements of cooperative agreement

The eligible entity entering into a cooperative agreement under this subsection shall establish and maintain a coordinating center that shall—

- (A) serve as the technical assistance entity for all comprehensive transition and postsecondary programs for students with intellectual disabilities;
- (B) provide technical assistance regarding the development, evaluation, and continuous improvement of such programs;
- (C) develop an evaluation protocol for such programs that includes qualitative and quantitative methodologies for measuring student outcomes and program strengths in the areas of academic enrichment, socialization, independent living, and competitive or supported employment;
- (D) assist recipients of grants under subpart 2 in efforts to award a meaningful credential to students with intellectual disabilities upon the completion of such programs, which credential shall take into consideration unique State factors;
- (E) develop recommendations for the necessary components of such programs, such as—
 - (i) academic, vocational, social, and independent living skills;
 - (ii) evaluation of student progress;
 - (iii) program administration and evaluation;
 - (iv) student eligibility; and
 - (v) issues regarding the equivalency of a student's participation in such programs to semester, trimester, quarter, credit, or clock hours at an institution of higher education, as the case may be;

(F) analyze possible funding streams for such programs and provide recommendations regarding the funding streams;

(G) develop model memoranda of agreement for use between or among institutions of higher education and State and local agencies providing funding for such programs;

(H) develop mechanisms for regular communication, outreach and dissemination of information about comprehensive transition and postsecondary programs for students with intellectual disabilities under subpart 2 between or among such programs and to families and prospective students;

(I) host a meeting of all recipients of grants under subpart 2 not less often than once each year; and

(J) convene a workgroup to develop and recommend model criteria, standards, and components of such programs as described in subparagraph (E), that are appropriate for the development of accreditation standards, which workgroup shall include—

- (i) an expert in higher education;
- (ii) an expert in special education;
- (iii) a disability organization that represents students with intellectual disabilities;
- (iv) a representative from the National Advisory Committee on Institutional Quality and Integrity; and
- (v) a representative of a regional or national accreditation agency or association.

(6) Report

Not later than five years after the date of the establishment of the coordinating center under this subsection, the coordinating center shall report to the Secretary, the authorizing committees, and the National Advisory Committee on Institutional Quality and Integrity on the recommendations of the workgroup described in paragraph (5)(J).

(Pub. L. 89-329, title VII, § 777, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3373.)

PRIOR PROVISIONS

A prior section 777 of Pub. L. 89-329 was classified to section 1132h-6 of this title, prior to repeal by Pub. L. 102-325.

§ 1140r. Authorization of appropriations

There are authorized to be appropriated to carry out this subpart such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title VII, § 778, as added Pub. L. 110-315, title VII, § 709(2), Aug. 14, 2008, 122 Stat. 3377.)

PART E—COLLEGE ACCESS CHALLENGE GRANT PROGRAM

§ 1141. College access challenge grant program

(a) Authorization and appropriation

There are authorized to be appropriated, and there are appropriated, to carry out this section \$150,000,000 for each of the fiscal years 2010

through 2014. The authority to award grants under this section shall expire at the end of fiscal year 2014. In addition to the amount authorized and appropriated under the preceding sentence, there are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(b) Program authorized

(1) Grants authorized

From amounts appropriated under subsection (a), the Secretary shall, subject to the availability of appropriations, award grants, from allotments under subsection (c), to States (and to philanthropic organization,¹ as appropriate under paragraph (3)) having applications approved under subsection (d), to enable the State (or philanthropic organization) to pay the Federal share of the costs of carrying out the activities and services described in subsection (f).

(2) Federal share; non-Federal share

(A) Federal share

The amount of the Federal share under this section for a fiscal year shall be equal to $\frac{2}{3}$ of the costs of the activities and services described in subsection (f) that are carried out under the grant.

(B) Non-Federal share

The amount of the non-Federal share under this section shall be equal to $\frac{1}{3}$ of the costs of the activities and services described in subsection (f). The non-Federal share may be in cash or in-kind, and may be provided from State resources, contributions from private organizations, or both.

(3) Reduction for failure to pay non-Federal share

If a State fails to provide the full non-Federal share required under this subsection, the Secretary shall reduce the amount of the grant payment under this section proportionately, and may award the proportionate reduction amount of the grant directly to a philanthropic organization, as defined in subsection (i), to carry out this section.

(4) Temporary ineligibility for subsequent payments

(A) In general

The Secretary shall determine a grantee to be temporarily ineligible to receive a grant payment under this section for a fiscal year if—

(i) the grantee fails to submit an annual report pursuant to subsection (h) for the preceding fiscal year; or

(ii) the Secretary determines, based on information in such annual report, that the grantee is not effectively meeting the conditions described under subsection (g) and the goals of the application under subsection (d).

(B) Reinstatement

If the Secretary determines that a grantee is ineligible under subparagraph (A), the

Secretary may enter into an agreement with the grantee setting forth the terms and conditions under which the grantee may regain eligibility to receive payments under this section.

(c) Determination of allotment

(1) Amount of allotment

Subject to paragraph (2), in making grant payments to grantees under this section, the allotment to each grantee for a fiscal year shall be equal to the sum of—

(A) the amount that bears the same relation to 50 percent of the amount appropriated under subsection (a) for such fiscal year as the number of residents in the State aged 5 through 17 who are living below the poverty line applicable to the resident's family size (as determined under section 9902(2) of title 42) bears to the total number of such residents in all States; and

(B) the amount that bears the same relation to 50 percent of the amount appropriated under subsection (a) for such fiscal year as the number of residents in the State aged 15 through 44 who are living below the poverty line applicable to the individual's family size (as determined under section 9902(2) of title 42) bears to the total number of such residents in all States.

(2) Minimum amount

The allotment for each State under this section for a fiscal year shall not be an amount that is less than 1.0 percent of the total amount appropriated under subsection (a) for such fiscal year.

(d) Submission and contents of application

(1) In general

For each fiscal year for which a grantee desires a grant payment under subsection (b), the State agency with jurisdiction over higher education, or another agency designated by the Governor or chief executive of the State to administer the program under this section, or a philanthropic organization, in accordance with subsection (b)(3), shall submit an application to the Secretary at such time, in such manner, and containing the information described in paragraph (2).

(2) Application

An application submitted under paragraph (1) shall include the following:

(A) A description of the grantee's capacity to administer the grant under this section and report annually to the Secretary on the activities and services described in subsection (f).

(B) A description of the grantee's plan for using the grant funds to meet the requirements of subsections (f) and (g), including plans for how the grantee will make special efforts to—

(i) provide such benefits to students in the State that are underrepresented in postsecondary education; or

(ii) in the case of a philanthropic organization that operates in more than one State, provide benefits to such students in each such State for which the philan-

¹ So in original. Probably should be "organizations,".

thropic organization is receiving grant funds under this section.

(C) A description of how the grantee will provide or coordinate the provision of the non-Federal share from State resources or private contributions.

(D) A description of—

(i) the structure that the grantee has in place to administer the activities and services described in subsection (f); or

(ii) the plan to develop such administrative capacity.

(e) Subgrants to nonprofit organizations

A State receiving a payment under this section may elect to make a subgrant to one or more nonprofit organizations in the State, including an eligible not-for-profit holder (as described in section 1085(p) of this title), or those nonprofit organizations that have agreements with the Secretary under section 1078(b) of this title, or a partnership of such organizations, to carry out activities or services described in subsection (f), if the nonprofit organization or partnership—

(1) was in existence on the day before the date of the enactment of this Act; and

(2) as of such day, was participating in activities and services related to increasing access to higher education, such as those activities and services described in subsection (f).

(f) Allowable uses

(1) In general

Subject to paragraph (3), a grantee may use a grant payment under this section only for the following activities and services, pursuant to the conditions under subsection (g):

(A) Information for students and families regarding—

(i) the benefits of a postsecondary education;

(ii) postsecondary education opportunities;

(iii) planning for postsecondary education; and

(iv) career preparation.

(B) Information on financing options for postsecondary education and activities that promote financial literacy and debt management among students and families.

(C) Outreach activities for students who may be at risk of not enrolling in or completing postsecondary education.

(D) Assistance in completion of the Free Application for Federal Student Aid or other common financial reporting form under section 1090(a) of this title.

(E) Need-based grant aid for students.

(F) Professional development for guidance counselors at middle schools and secondary schools, and financial aid administrators and college admissions counselors at institutions of higher education, to improve such individuals' capacity to assist students and parents with—

(i) understanding—

(I) entrance requirements for admission to institutions of higher education; and

(II) State eligibility requirements for Academic Competitiveness Grants or National SMART Grants under section 1070a-1 of this title, and other financial assistance that is dependent upon a student's coursework;

(ii) applying to institutions of higher education;

(iii) applying for Federal student financial assistance and other State, local, and private student financial assistance and scholarships;

(iv) activities that increase students' ability to successfully complete the coursework required for a postsecondary degree, including activities such as tutoring or mentoring; and

(v) activities to improve secondary school students' preparedness for postsecondary entrance examinations.

(G) Student loan cancellation or repayment (as applicable), or interest rate reductions, for borrowers who are employed in a high-need geographical area or a high-need profession in the State, as determined by the State.

(2) Prohibited uses

Funds made available under this section shall not be used to promote any lender's loans.

(3) Use of funds for administrative purposes

A grantee may use not more than 6 percent of the total amount of the sum of the Federal share provided under this section and the non-Federal share required under this section for administrative purposes relating to the grant under this section.

(g) Special conditions

(1) Availability to students and families

A grantee receiving a grant payment under this section shall—

(A) make the activities and services described in subparagraphs (A) through (F) of subsection (f)(1) that are funded under the payment available to all qualifying students and families in the State;

(B) allow students and families to participate in the activities and services without regard to—

(i) the postsecondary institution in which the student enrolls;

(ii) the type of student loan the student receives;

(iii) the servicer of such loan; or

(iv) the student's academic performance;

(C) not charge any student or parent a fee or additional charge to participate in the activities or services; and

(D) in the case of an activity providing grant aid, not require a student to meet any condition other than eligibility for Federal financial assistance under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42, except as provided for in the loan cancellation or repayment or interest rate reductions described in subsection (f)(1)(G).

(2) Priority

A grantee receiving a grant payment under this section shall, in carrying out any activity or service described in subsection (f)(1) with the grant funds, prioritize students and families who are living below the poverty line applicable to the individual's family size (as determined under section 9902(2) of title 42).

(3) Disclosures**(A) Organizational disclosures**

In the case of a State that has chosen to make a payment to an eligible not-for-profit holder in the State in accordance with subsection (e), the holder shall clearly and prominently indicate the name of the holder and the nature of the holder's work in connection with any of the activities carried out, or any information or services provided, with such funds.

(B) Informational disclosures

Any information about financing options for higher education provided through an activity or service funded under this section shall—

(i) include information to students and the students' parents of the availability of Federal, State, local, institutional, and other grants and loans for postsecondary education; and

(ii) present information on financial assistance for postsecondary education that is not provided under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42 in a manner that is clearly distinct from information on student financial assistance under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42.

(4) Coordination

A grantee receiving a grant payment under this section shall attempt to coordinate the activities carried out with the grant payment with any existing activities that are similar to such activities, and with any other entities that support the existing activities in the State.

(h) Report

A grantee receiving a payment under this section shall prepare and submit an annual report to the Secretary on the activities and services carried out under this section, and on the implementation of such activities and services. The report shall include—

(1) each activity or service that was provided to students and families over the course of the year;

(2) the cost of providing each activity or service;

(3) the number, and percentage, if feasible and applicable, of students who received each activity or service; and

(4) the total contributions from private organizations included in the grantee's non-Federal share for the fiscal year.

(i) Definitions

In this section:

(1) Philanthropic organization

The term "philanthropic organization" means a non-profit organization—

(A) that does not receive funds under subchapter IV of this chapter and part C of subchapter I of chapter 34 of title 42 or under the Elementary and Secondary Education Act of 1965 [20 U.S.C. 6301 et seq.];

(B) that is not a local educational agency or an institution of higher education;

(C) that has a demonstrated record of dispersing grant aid to underserved populations to ensure access to, and participation in, higher education;

(D) that is affiliated with an eligible consortium (as defined in paragraph (2)) to carry out this section; and

(E) the primary purpose of which is to provide financial aid and support services to students from underrepresented populations to increase the number of such students who enter and remain in college.

(2) Eligible consortium

The term "eligible consortium" means a partnership of 2 or more entities that have agreed to work together to carry out this section that—

(A) includes—

(i) a philanthropic organization, which serves as the manager of the consortium;

(ii) a State that demonstrates a commitment to ensuring the creation of a State-wide system to address the issues of early intervention and financial support for eligible students to enter and remain in college; and

(iii) at the discretion of the philanthropic organization described in clause (i), additional partners, including other non-profit organizations, government entities (including local municipalities, school districts, cities, and counties), institutions of higher education, and other public or private programs that provide mentoring or outreach programs; and

(B) conducts activities to assist students with entering and remaining in college, which may include—

(i) providing need-based grants to students;

(ii) providing early notification to low-income students of their potential eligibility for Federal financial aid (which may include assisting students and families with filling out FAFSA forms), as well as other financial aid and other support available from the eligible consortium;

(iii) encouraging increased student participation in higher education through mentoring or outreach programs; and

(iv) conducting marketing and outreach efforts that are designed to—

(I) encourage full participation of students in the activities of the consortium that carry out this section; and

(II) provide the communities impacted by the activities of the consortium with a general knowledge about the efforts of the consortium.

(3) Grantee

The term "grantee" means—

(A) a State awarded a grant under this section; or

(B) with respect to such a State that has failed to meet the non-Federal share requirement of subsection (b), a philanthropic organization awarded the proportionate reduction amount of such a grant under subsection (b)(3).

(Pub. L. 89-329, title VII, §781, formerly §771, as added Pub. L. 110-84, title VIII, §801, Sept. 27, 2007, 121 Stat. 812; renumbered §781 and amended Pub. L. 110-315, title VII, §§709(1), 710, Aug. 14, 2008, 122 Stat. 3361, 3377; Pub. L. 111-39, title VII, §701(6), July 1, 2009, 123 Stat. 1955; Pub. L. 111-152, title II, §2102, Mar. 30, 2010, 124 Stat. 1073.)

REFERENCES IN TEXT

The date of the enactment of this Act, referred to in subsec. (e)(1), probably means the date of enactment of Pub. L. 110-84, which enacted this section and was approved Sept. 27, 2007.

The Elementary and Secondary Education Act of 1965, referred to in subsec. (i)(1)(A), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, which is classified generally to chapter 70 (§6301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

PRIOR PROVISIONS

A prior section 1141, Pub. L. 89-329, title XII, §1201, formerly title VIII, §801, Nov. 8, 1965, 79 Stat. 1269; renumbered title XII, §1201, and amended Pub. L. 90-575, title II, §§251, 293, 294, Oct. 16, 1968, 82 Stat. 1042, 1050, 1051; Pub. L. 91-230, title VIII, §806(b), Apr. 13, 1970, 84 Stat. 192; Pub. L. 92-318, title I, §131(d)(1), June 23, 1972, 86 Stat. 260; Pub. L. 94-482, title I, §181(a), formerly §181, Oct. 12, 1976, 90 Stat. 2167, renumbered Pub. L. 95-43, §1(b)(7), June 15, 1977, 91 Stat. 218; Pub. L. 95-180, §1(a), Nov. 15, 1977, 91 Stat. 1372; Pub. L. 96-374, title XIII, §1391(a)(1), (b), Oct. 3, 1980, 94 Stat. 1503; Pub. L. 100-50, §21(a), June 3, 1987, 101 Stat. 360; Pub. L. 102-26, §2(a)(4), Apr. 9, 1991, 105 Stat. 123; Pub. L. 102-325, title XII, §1201, July 23, 1992, 106 Stat. 792; Pub. L. 102-394, title III, §308(a), Oct. 6, 1992, 106 Stat. 1820; Pub. L. 103-82, title I, §111(b)(5), Sept. 21, 1993, 107 Stat. 861; Pub. L. 103-208, §2(j)(48), Dec. 20, 1993, 107 Stat. 2485, defined terms for purposes of this chapter, prior to repeal by Pub. L. 105-244, §3, title I, §101(b), title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1616, 1803, effective Oct. 1, 1998.

A prior section 781 of Pub. L. 89-329 was classified to section 1132i of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Section 1142, Pub. L. 89-329, title XII, §1202, formerly §1207, as added Pub. L. 94-482, title I, §182, Oct. 12, 1976, 90 Stat. 2167; renumbered §1202, Pub. L. 96-374, title XII, §1201, Oct. 3, 1980, 94 Stat. 1493; amended Pub. L. 102-325, title XII, §1202, July 23, 1992, 106 Stat. 793, related to antidiscrimination requirements for institutions of higher education receiving Federal assistance, prior to repeal by Pub. L. 105-244, §3, title I, §101(b), title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1616, 1803, effective Oct. 1, 1998.

Another prior section 1142, Pub. L. 89-329, title XII, §1202, formerly title VIII, §802, Nov. 8, 1965, 79 Stat. 1270; renumbered title XII, §1202, Pub. L. 90-575, title II, §251, Oct. 16, 1968, 82 Stat. 1042, related to method of payment pursuant to grants, loans, or contracts under this chapter, prior to repeal by section 1201 of Pub. L. 96-374.

Prior sections 1142a and 1142b were repealed by Pub. L. 96-374, title XII, §1201, title XIII, §1393(a), Oct. 3, 1980, 94 Stat. 1493, 1504, effective Oct. 1, 1980.

Section 1142a, Pub. L. 89-329, title XII, §1202, as added Pub. L. 92-318, title I, §196, June 23, 1972, 86 Stat. 324, related to designation of a State postsecondary education commission.

Section 1142b, Pub. L. 89-329, title XII, §1203, as added Pub. L. 92-318, title I, §196, June 23, 1972, 86 Stat. 325;

amended Pub. L. 94-482, title I, §179, Oct. 12, 1976, 90 Stat. 2166; Pub. L. 96-49, §12, Aug. 13, 1979, 93 Stat. 354, related to comprehensive statewide planning.

Prior sections 1143 to 1145g were repealed by Pub. L. 105-244, §3, title I, §101(b), title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1616, 1803, effective Oct. 1, 1998.

Section 1143, Pub. L. 89-329, title XII, §1203, as added Pub. L. 96-374, title XII, §1201, Oct. 3, 1980, 94 Stat. 1493, related to State agreements.

Another prior section 1143, Pub. L. 89-329, title XII, §1203, formerly title VIII, §803, Nov. 8, 1965, 79 Stat. 1270; renumbered title XII, §1203, Pub. L. 90-575, title II, §251, Oct. 16, 1968, 82 Stat. 1042, provided for delegation of functions by Commissioner of Education and utilization of services and facilities of other agencies, prior to repeal by Pub. L. 91-230, title IV, §401(c)(5), Apr. 13, 1970, 84 Stat. 173.

Section 1144, Pub. L. 89-329, title XII, §1204, formerly title VIII, §804, Nov. 8, 1965, 79 Stat. 1270; renumbered title XII, §1204, Pub. L. 90-575, title II, §251, Oct. 16, 1968, 82 Stat. 1042; amended Pub. L. 91-230, title IV, §401(f)(6), Apr. 13, 1970, 84 Stat. 173, prohibited Federal control over education.

Section 1144a, Pub. L. 89-329, title XII, §1204, as added Pub. L. 96-374, title XII, §1201, Oct. 3, 1980, 94 Stat. 1495; amended Pub. L. 99-498, title XII, §1201, Oct. 17, 1986, 100 Stat. 1573; Pub. L. 102-73, title VIII, §801(c), July 25, 1991, 105 Stat. 360; Pub. L. 103-208, §2(j)(49), Dec. 20, 1993, 107 Stat. 2485, related to treatment of territories and territorial student assistance.

Another prior section 1144a, Pub. L. 92-318, title V, §510, June 23, 1972, 86 Stat. 353, set forth sense of Congress that governing boards of institutions of higher education give consideration to student participation on such boards, prior to being omitted from the Code.

Section 1145, Pub. L. 89-329, title XII, §1205, as added Pub. L. 96-374, title XII, §1201, Oct. 3, 1980, 94 Stat. 1495; amended Pub. L. 99-498, title XII, §1202, Oct. 17, 1986, 100 Stat. 1573; Pub. L. 102-325, title XII, §1203, July 23, 1992, 106 Stat. 793; Pub. L. 103-208, §2(j)(50)-(53), Dec. 20, 1993, 107 Stat. 2485, related to National Advisory Committee on Institutional Quality and Integrity.

Another prior section 1145, Pub. L. 89-329, title XII, §1205, as added Pub. L. 90-575, title II, §291(a), Oct. 16, 1968, 82 Stat. 1049; amended Pub. L. 91-230, title IV, §401(h)(4), Apr. 13, 1970, 84 Stat. 174, established an Advisory Council on Graduate Education in the Office of Education, prior to repeal by section 1201 of Pub. L. 96-374.

Section 1145a, Pub. L. 89-329, title XII, §1206, as added Pub. L. 99-498, title XII, §1203, Oct. 17, 1986, 100 Stat. 1573, related to Commission to study postsecondary institutional and programmatic recognition process.

Another prior section 1145a, Pub. L. 89-329, title XII, §1206, as added Pub. L. 92-318, title I, §197, June 23, 1972, 86 Stat. 325, related to supplying cost-of-education data by institutions of higher education, prior to repeal by Pub. L. 96-374, title XII, §1201, Oct. 3, 1980, 94 Stat. 1493, eff. Oct. 1, 1980.

Section 1145b, Pub. L. 89-329, title XII, §1207, as added Pub. L. 99-498, title XII, §1204, Oct. 17, 1986, 100 Stat. 1576, related to student representation in connection with administration of this chapter.

Another prior section 1145b, Pub. L. 89-329, title XII, §1202, formerly §1207, as added Pub. L. 94-482, title I, §182, Oct. 12, 1976, 90 Stat. 2167; renumbered title XII, §1202, Pub. L. 96-374, title XII, §1201, Oct. 3, 1980, 94 Stat. 1493, which related to antidiscrimination requirements for institutions of higher education receiving Federal assistance, was transferred to section 1142 of this title and subsequently repealed by Pub. L. 105-244.

Section 1145c, Pub. L. 89-329, title XII, §1208, as added Pub. L. 99-498, title XII, §1205, Oct. 17, 1986, 100 Stat. 1577, related to financial responsibility of foreign students.

Another prior section 1145c, Pub. L. 89-329, title XII, §1208, as added Pub. L. 94-482, title I, §183, Oct. 12, 1976, 90 Stat. 2167, related to availability of appropriations, prior to repeal by Pub. L. 96-374, title XII, §1201, Oct. 3, 1980, 94 Stat. 1493, eff. Oct. 1, 1980.

Section 1145d, Pub. L. 89-329, title XII, §1209, as added Pub. L. 102-325, title XII, §1204, July 23, 1992, 106 Stat. 794; amended Pub. L. 103-208, §2(j)(54), Dec. 20, 1993, 107 Stat. 2485, related to disclosures of foreign gifts.

Another prior section 1145d, Pub. L. 89-329, title XII, §1209, as added Pub. L. 99-498, title XII, §1206(a), Oct. 17, 1986, 100 Stat. 1577, related to disclosures of foreign gifts, prior to repeal by Pub. L. 99-498, title XII, §1206(b), Oct. 17, 1986, 100 Stat. 1579, as amended by Pub. L. 100-50, §22(f), June 3, 1987, 101 Stat. 362, effective Aug. 1, 1989.

Section 1145d-1, Pub. L. 89-329, title XII, §1210, as added Pub. L. 100-50, §21(b), June 3, 1987, 101 Stat. 360, related to application of peer review process.

Section 1145e, Pub. L. 89-329, title XII, §1211, formerly §1210, as added Pub. L. 99-498, title XII, §1207, Oct. 17, 1986, 100 Stat. 1579; renumbered §1211, Pub. L. 100-50, §21(b), June 3, 1987, 101 Stat. 360, related to aggregate limit of authorization of appropriations.

Section 1145f, Pub. L. 89-329, title XII, §1212, formerly §1211, as added Pub. L. 100-418, title VI, §6231, Aug. 23, 1988, 102 Stat. 1518; renumbered §1212 and amended Pub. L. 103-208, §2(j)(55), (56), Dec. 20, 1993, 107 Stat. 2485, related to technology transfer centers.

Section 1145g, Pub. L. 89-329, title XII, §1213, as added Pub. L. 101-226, §22(a)(1), Dec. 12, 1989, 103 Stat. 1938, related to drug and alcohol abuse prevention.

A prior section 1145h, Pub. L. 102-325, title XV, §1541, July 23, 1992, 106 Stat. 834; Pub. L. 103-208, §2(k)(13), Dec. 20, 1993, 107 Stat. 2486, authorized grants for campus sexual offense education, prior to repeal by Pub. L. 105-332, §6(b)(3), Oct. 31, 1998, 112 Stat. 3128.

A prior section 1146, Pub. L. 96-374, title XIII, §1392, Oct. 3, 1980, 94 Stat. 1504, which related to contract authority, was transferred to section 1154 of this title.

Another prior section 1146, Pub. L. 89-329, title XII, §1206, as added Pub. L. 90-575, title II, §292, Oct. 16, 1968, 82 Stat. 1050, provided for dissemination of information and authorization of \$2,000,000 for fiscal year ending June 30, 1970, and such amount as Congress might authorize for fiscal year ending June 30, 1971, prior to repeal by Pub. L. 91-230, title IV, §401(d)(5), Apr. 13, 1970, 84 Stat. 173.

A prior section 1146a, Pub. L. 99-498, §3, Oct. 17, 1986, 100 Stat. 1278, which provided that contracting authority be subject to appropriations, was transferred, and is set out as a Contracting Authority Subject to Appropriations note under section 1154 of this title.

Prior sections 1147 to 1150, Pub. L. 89-329, title XII, §§1207-1210, as added Pub. L. 90-575, title II, §295, Oct. 16, 1968, 82 Stat. 1051, 1052, provided for program planning and evaluation for higher education programs; advance funding; evaluation reports and Congressional review; and availability of appropriations on academic or school year basis, prior to repeal by Pub. L. 91-230, title IV, §401(b), Apr. 13, 1970, 84 Stat. 172.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-152, §2102(1), substituted “\$150,000,000 for each of the fiscal years 2010 through 2014. The authority to award grants under this section shall expire at the end of fiscal year 2014.” for “\$66,000,000 for each of the fiscal years 2008 and 2009.”

Subsec. (c)(2). Pub. L. 111-152, §2102(2), substituted “1.0 percent” for “0.5 percent”.

2009—Subsec. (c)(1). Pub. L. 111-39, §701(6)(A), made technical amendment to reference in original act which appears in two places in text as reference to section 9902(2) of title 42.

Subsec. (e). Pub. L. 111-39, §701(6)(B), substituted “(as described in section 1085(p) of this title)” for “(as defined in section 1085(p) of this title, as amended by section 303 of this Act)” and “1078(b)” for “1085(j)” in introductory provisions.

Subsec. (g)(2). Pub. L. 111-39, §701(6)(C), made technical amendment to reference in original act which appears in text as reference to section 9902(2) of title 42.

Subsec. (i). Pub. L. 111-39, §701(6)(D), substituted “consortium” for “consortia” in par. (1)(D) and in par. (2) in heading and wherever appearing in text.

2008—Subsec. (a). Pub. L. 110-315, §710(1), substituted “In addition to the amount authorized and appropriated under the preceding sentence, there are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.” for “The authority to award grants under this section shall expire at the end of fiscal year 2009.”

Subsec. (b)(1). Pub. L. 110-315, §710(2), inserted “, subject to the availability of appropriations,” after “the Secretary shall”.

Subsec. (e). Pub. L. 110-315, §710(3), inserted “, or those nonprofit organizations that have agreements with the Secretary under section 1085(j) of this title” before “, or a partnership”.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 2007, see section 1(c) of Pub. L. 110-84, set out as an Effective Date of 2007 Amendment note under section 1070a of this title.

SUBCHAPTER VIII—MISCELLANEOUS

§ 1151. Grants to States for workplace and community transition training for incarcerated individuals

(a) Definition

In this section, the term “incarcerated individual” means a male or female offender who is—

- (1) 35 years of age or younger; and
- (2) incarcerated in a State prison, including a prerelease facility.

(b) Grant program

The Secretary of Education (in this section referred to as the “Secretary”)—

(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States to assist and encourage incarcerated individuals who have obtained a secondary school diploma or its recognized equivalent to acquire educational and job skills through—

(A) coursework to prepare such individuals to pursue a postsecondary education certificate, an associate’s degree, or bachelor’s degree while in prison;

(B) the pursuit of a postsecondary education certificate, an associate’s degree, or bachelor’s degree while in prison; and

(C) employment counseling and other related services, which start during incarceration and end not later than two years after release from incarceration; and

(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

(c) Application

To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for an incarcerated individual program that—